

1. CERTIFICATION OF COMPLIANCE

Chairman Neiman called the meeting to order at 6:00 p.m. with the Pledge of Allegiance and Mr. Kielt read the Certification of Compliance with the NJ Open Public Meeting Act:

“The time, date and location of this meeting was published in the Asbury Park Press and Posted on the bulletin board in the office of the Township of Lakewood. Advance written Notice has been filed with the Township Clerk for the purpose of public inspection and, a copy of this agenda has been mailed, faxed or delivered to the following newspapers: The Asbury Park Press, and The Tri Town News at least 48 hours in advance. This meeting meets all criteria of the Open Public Meetings Act.”

2. ROLL CALL

Roll Call Mr. Franklin, Mrs. Koutsouris, Mr. Banas, Chairman Neiman, Mr. Fink, Mr. Follman, Mr. Schmuckler

3. SWEARING IN OF PROFESSIONALS

Mr. Terrance Vogt was sworn in.

4. MEMORIALIZATION OF RESOLUTION

1. SP # 1932

Applicant: Georgian Court University
Location: Lakewood Avenue & 9th Street
Block 44 Lots 1, 25 & 26
Block 45 Lots 1 & 4
Block 46 Lot 1
Block 47 Lot 1
Block 48 Lot 1

General Development Plan – 156.3 acres (Resolution to deny)

Mr. Jackson stated that he would like to have a moment on this because he thinks it requires explanation and clarification. You'll recall that when GCU made its application, the first motion, I believe, was made by Mr. Schmuckler to approve with conditions that the entry way be eliminated and that a buffer be imposed and there were 4 members of the board who voted in favor of that motion and there were 4 members who voted against it so under the rules, there was no majority therefore that motion fails and that was not approved under that scenario. After that, Mr. Franklin made a motion to approve as submitted by GCU in total. For that one, the opposite 4 members voted in favor of that and the opposite 4 members voted against it. So we have an unusual situation where we have

2 resolutions that are both 4-4 that have opposite members of the board voting each way. I had originally reviewed that as a denial and prepared a resolution for denial based on the second motion which was a failure to pass it as what GCU wanted. Mr. Banas said to me that this is a little bit of a conundrum, which members vote on this because neither motion passed, and the 2 competing motions, and who votes on the resolution? Because the standard rule is that only those members who carried the motion get to vote on the resolution. We frequently see that if it's a 3-2 vote, the 2 members who vote against, don't vote. And the 3 members who vote in favor can pass the resolution. So what I did in response to that, and I have to confess this is uncharted territory and I don't know if it makes any difference, I couldn't find any precedent that deals with how to handle this. So I prepared 2 resolutions and I want to announce this to make sure there is no confusion because the application was denied based upon the dead heat 4-4 vote, you can't prevail on a tie vote. So the first resolution that I submitted last time, I would propose that that would be executed by the 3 members here tonight who voted against Mr. Schmuckler's motion, I think they would vote for that resolution. And then I prepared a resolution that says that they would approve it in total based on Mr. Franklin's motion. I hope that clarifies it but that's the best I could do.

Chairman Neiman says you never know, down the road they might say this might be precedence of the SP#1932 in Lakewood Township Planning Board.

Mr. Jackson states well if its precedence that makes me look good, I welcome it. If it's precedence that makes me look bad, I did the best I could. So anyway, that's just a little background and that's where we're at.

Mr. Banas asks who is going to vote on the resolution?

Chairman Neiman says the first resolution will be the resolution on the motion that Mr. Schmuckler made, which only those that voted for his motion can vote on the first resolution. The other ones can vote too but they'll just say no. And then the second motion that Mr. Jackson prepared was the motion that Mr. Franklin made and the ones that voted yes on that motion should vote yes on that resolution and the ones that voted no on that motion can vote no on that resolution. Am I correct Mr. Jackson?

Mr. Jackson states this is the way I have it, one in my hand in paragraph HH on page 13 it reads, after hearing testimony from the applicant, the applicants experts offering both comment and objection and after hearing testimony from the objective viewing, finds and determines that the applicant has established, it meets the necessary criteria and then it continues at the public hearing. A motion was made, this is on H, with the limitations that would eliminate the proposed 2 access points, and then I say, and I apologize for using just your last names, Banas, Franklin, Koutsouris, and Fink voted against the motion to approve but this not limiting access because they were in favor of approving the

application in full. Banas, Franklin, Koutsouris, and Fink find that GCU has met its burden and the application should be approved as submitted. That's the one that I prepared for the signature of Mr. Banas, Mr. Franklin, Ms. Koutsouris, and Mr. Fink. That's the one I submitted today. The one previous to that in paragraph H page 13, after hearing as well as members of the public, after testimony and reviewing the plans, Lakewood finds and determines that the applicant, I'm sorry but it ends on page 14 that the application is denied. That would be the first one that I submitted, that would be signed by Mr. Schmuckler, Mr. Follman, and yourself Mr. Chairman.

Mr. Follman asked if the motion was made to approve and it was denied based on lack of people to carry a motion, this in essence is a motion to approve right? If the motion was made to approve then why are the people not voting, lets say I made a motion to deny, whoever voted for the denial would vote on it.

Mr. Jackson says the way I prepared it is that there are 4 members who did not want it approved as the way GCU submitted it. And then the members who wanted it approved as is would sign the other. It's the same effect, either way, that way GCU felt they weren't satisfied with the outcome and could get the appeal process started, because as been indicated to me will happen, and then, I don't think this whole case is going to turn around because it was a 4-4, there really was no majority.

Dan Bitonti says he represents one of the opposition members, Michael Parnes, and I just have a couple comments. I am confused about the dual resolutions, I would suggest instead of having 2 resolutions to just have 1 and if there is an appeal, I understand that the board would like the fact that there was a vote on an alternative motion be in the record, it is in the record. And it would be in the record on appeal. So based on that, I don't think this resolution regarding this alternative plan needs to be voted on, the resolution denying the application should be voted, and I do have a couple comments if the board will indulge me on that, I provided them to Mr. Jackson and they did not get into the resolution but I'll leave that to the boards discretion whether they would like to hear from me on that. But going back to my problems with this alternative, second resolution that has come out of this preceding. As I read it, on page 14, it talks about and I quote "now therefore be it resolved by the planning board of the township of Lakewood on this 21st day of September 2010 that the applicants request for approval on the general development plan is hereby approved," and it goes on and on about everything they need to do for approval. The application was not approved, it was denied, there was no majority because they did not have enough votes. So as this application is drafted, I have a problem with the word approval in here.

Mr. Jackson says the reason why I did it that way was that the 4 members who carried that motion made that finding. It just doesn't get over the hump because its not 5 members,

and that's the only reason, that doesn't change the thought process of the 4 members who made that motion just like the fact, that its just by virtue of the rules so I don't think this will be confusing, I don't think the court is going to issue a permit based on this resolution of approval signed by only 4 members when it was 4-4. So I understand what the concern is, we discussed it at length on the phone, this is what I think, is the way I would recommend that you do it. I also thought that there would be an irony and an unfairness of the resolution who the 4 members who voted against the original thing were actually the members who were in favor of the application.

Chairman Neiman asked were you concerned that they would take that and they say "oh we have an approval, look we even have a resolution showing an approval?"

Mr. Bitonti says my concern is that it's just going to lead to confusion if this is taken up on an appeal. We have 2 resolutions, I've never seen this come out of a board that there are 2 resolutions on one application on this context and my concern is basically the confusion that we have a resolution saying that it has been approved and there hasn't been any approval given in this application.

Chairman Neiman asks if it says that it's approved or is there a motion for approval?

Mr. Bitonti says the applicants request for approval of the GDP is hereby approved, is what the resolution reads.

Mr. Jackson stated that it says that but if it doesn't have the 5 votes then its not approved, its that simple.

Mr. Bitonti says I understand that. If we have a record, which we do, of 2 hearings. There was one in November and one in December, there was a record of a motion being opened to approve with conditions, the openings and the buffers, and it was discussed in the record, if this does go to the next step to superior court that will be in the record. I think the record is clear and I believe this resolution will just further confuse at the next step and that's what I'm trying to avoid here. It seems we have one resolution with 1 vote where there was 4 votes, another vote where there was 4 votes, and we have a resolution that says one was approved and one was denied, it just doesn't add up to me. Maybe I'm missing something but it just doesn't add up to me.

Mr. Jackson says Mr. Neiman you should just adopt the resolution to go forward, because I don't think anyone is going to be confused by this record of what happened and the consequences is going to be what they are.

Chairman Neiman says thank you Mr. Jackson, any other questions?

Mr. Bitonti says he does have a couple comment on the resolution to deny if the board will indulge, I've provided those comments to Mr. Jackson.

Mr. Jackson sated he has had a chance to review these comments and he did not agree that he should make those changes, if Mr. Bitonti want to go and tell the board what paragraph should be changed.

Chairman Neiman sated he accepts our attorneys comments on that, if our attorney, Mr. Jackson didn't feel that anything needed to be changed then I just don't think it has to be.

Mr. Bitonti says okay thank you very much for your time.

Chairman Neiman asks if anyone else wishes to comment before we vote? Seeing none he asks if the 2 resolutions can be announced so we know what were voting on.

Mr. Jackson says I'm going to write resolution A would be SP #1932 and this would be the resolution denying an application for general development and that would be for the motion that was made by Mr. Schmuckler, because I think that's the vote that denies the application that GCU wanted. And the next resolution says in the caption as proving. So there's a denying one in the caption and one that says approving so I would go with the one denying first.

Chairman Neiman says okay so whoever voted yes on that should vote yes now?

Mr. Banas asks how you are going to number them both together so that one isn't lost.

Mr. Jackson says we will staple them together and we will do it as one combined resolution. Just read in succession.

Chairman Neiman says okay so then everyone can vote yes because everyone is in there.

Mr. Jackson says you're not voting yes or no on the application, you're just approving the form of the resolution.

Chairman Neiman asks for roll call of voting on accepting the resolutions.

Roll Call Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Chairman Neiman, yes, Mr. Fink, yes, Mr. Follman, yes, Mr. Schmuckler, yes.

2. SP # 1948

Applicant: Yeshiva Orchos Chaim

Location: Corner of Cedar Bridge Ave, Oberlin Ave South & Syracuse Ct
Block 1600 Lot 12

Amended Site Plan proposed addition to existing school

Moved by Mr. Follman and seconded by Mrs. Koutsouris

Roll Call Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Chairman Neiman, yes, Mr. Follman, yes.

3. SP # 1947

Applicant: Congregation Pri Aharon
Location: East County Line Road, east of Somerset Avenue
Block 208 Lot 12

Preliminary & Final Major Site Plan for proposed school

Moved by Mr. Follman and seconded by Mrs. Koutsouris

Roll Call Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Chairman Neiman, yes, Mr. Follman, yes.

4. SP # 1945

Applicant: Congregation Stolin Karlin
Location: East Seventh Street & Cornelius Street
Block 231 Lots 21 & 22

Preliminary & Final Major Site Plan for proposed synagogue

Mr. Jackson/Vogt says the boards' request to provide construction of sidewalk on the opposite side of Cornelius St. then the resolution continued, and to angle the parking spaces along Cornelius St. so those spaces could be accessed only by backing in. Mr. Brown wants that only by backing in requirement removed.

Chairman Neiman says yes, it was a discussion but once we decide to put the sidewalks in the back, we don't want them backing in.

Mr. Jackson/Vogt says okay then the angle parking part will be crossed out and Mr. Brown was okay with that.

Moved by Mr. Follman and seconded by Mrs. Koutsouris

Roll Call Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Chairman Neiman, yes, Mr. Follman, yes.

5. SP # 1946

Applicant: Knesset Yisrael

Location: Cedar Street, south of Pine Street
Block 777 Lot 8

Preliminary & Final Major Site Plan for proposed synagogue

Moved by Mr. Follman and seconded by Mrs. Koutsouris

Roll Call Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Chairman Neiman, yes, Mr. Follman, yes.

6. SD # 1760

Applicant: Pine Street Development

Location: Northwest corner of Vine Avenue & Pine Street
Block 774.01 Lot 6

Minor Subdivision to create three (3) lots

Moved by Mr. Follman and seconded by Mrs. Koutsouris

Roll Call Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Chairman Neiman, yes, Mr. Follman, yes.

7. SD # 1789

Applicant: Eli Schwab

Location: Dewey Avenue & Bruce Street with frontage on Route 88 (Ocean Avenue)
Block 246 Lots 42 & 52

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

Moved by Mr. Follman and seconded by Mrs. Koutsouris

Roll Call Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Chairman Neiman, yes, Mr. Follman, yes.

8. SD # 1783

Applicant: Jechiel Weinfield

Location: Read Place, east of Albert Avenue
Block 855.03 Lot 22

Minor Subdivision & variance to create two (2) lots

Moved by Mr. Follman and seconded by Mrs. Koutsouris

Roll Call Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Chairman Neiman, yes, Mr. Follman, yes.

9. SP #1952

Mr. Jackson says there's an add-on that I provided for tonight's application, SP #1952, I distributed that to everyone so they could look it over. That was for the storage units, so that could get done tonight.

Moved by Mr. Follman and seconded by Mrs. Koutsouris

Roll Call Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Chairman Neiman, yes, Mr. Follman, yes.

5. NEW BUSINESS

1. **SP # 1952** (No Variance Requested)
Applicant: Beth Medrash Govoha
Location: Southwest corner of Eighth Street & Clifton Avenue
Block 96 Lot 4
Preliminary & Final Site Plan for proposed storage building

Project Description

The applicant is seeking Preliminary and Final Major Site Plan approval. This site plan is for constructing a pre-engineered facilities building for Beth Medrash Govoha on Lot 4 in Block 96. The current site holds student dormitories as part of a Planned Educational Campus. The existing student housing will remain and the proposed storage building will be added to the site. The proposed 6,528 square foot facilities building will be "L" shaped so it can be situated around the south and west sides of the existing dormitory. An infiltration recharge system has been proposed to mitigate the increase in storm water runoff which would be generated by the site. We have the following comments and recommendations per testimony provided at the 3/29/11 Planning Board Plan Review Meeting and comments from our initial review letter dated March 21, 2011: (I) Zoning (1) The plans indicate the site is situated within four hundred twenty feet (420') of Block 98. Per Ordinance #2009-53, Section 18-902.H.6.b., "A Planned Educational Campus may only be developed on one or more contiguous parcels of land having

a minimum gross acreage of three (3) acres. Paper streets, existing rights-of-way, or easements shall not be deemed to divide acreage." The Schedule of Bulk Requirements indicates that four (4) acres of land is being provided. Testimony is required on compliance with the Ordinance. Only information on the half acre Lot 4 to be used for the facilities building has been provided for this application. Per communications with the applicant's professionals, this property is part of the main BMG campus which exceeds three (3) acres in area. The applicant's professionals indicate that testimony will be provided. (2) The allowable Maximum Building Coverage is forty-five percent (45%) of the gross tract area. The Schedule of Bulk Requirements indicates the Maximum Building Coverage provided is forty-five percent (45%). Per communications with the applicant's professionals, the existing building square footage is 3,258 square feet, which is less than 45%. This item has been addressed. (3) The allowable Maximum Impervious Surface Coverage is eighty-five percent (85%) of the gross tract area. The Schedule of Bulk Requirements indicates the Maximum Impervious Surface Coverage is fifty percent (50%). The proposed impervious coverage is greater than fifty percent (50%) and should be corrected in the schedule. However, the impervious coverage is far less than the eighty-five percent (85%) allowed, therefore no relief is required. (4) No variances are being sought in connection with this application. No variances are being sought in connection with this application. Fact. (II) Review Comments (A) Site Plan/Circulation/Parking (1) Corrections are required to the Existing Conditions Plan. Based on the spot elevations shown, existing contour lines must be revised. Tree #42 is between the existing curb and sidewalk, not behind the sidewalk. An air conditioning unit is behind the two-story portion of the existing structure. Large hedge rows across much of the property are not shown. Also, a Legend has not been provided. The applicant's professionals have agreed to update the Existing Conditions Plan. (2) Corrections are required to the General Notes to reflect the proposed site plan conditions. The General Notes indicate the Existing Conditions Plan is based on a topographic survey prepared by Clearpoint Services. A copy of this survey and an Outbound Survey must be provided. So far, the topographic survey has been provided. (3) Proposed dimensions are required on the Site Plan. Accordingly, the provided information in the Schedule of Bulk Requirements cannot be verified. However, it appears no variances will be required. The applicant's professionals have agreed to provide the required proposed dimensions. (4) Off-street parking requirements for student dormitories indicate 0.25 spaces shall be provided for each dwelling unit. The plans indicate that ten (10) spaces are required. We assume two (2) garage spaces in the two-story portion of the existing structure are being counted to provide the ten (10) required spaces. Testimony shall be provided on off-street parking. The applicant's professionals indicate that testimony will be provided on off-street parking. (5) The proposed access points to the facilities building should be added to the plans. The location of the proposed driveway from Eighth Street to the overhead door should be shown reversed with the concrete pad for the man door. The utility pole with transformers will need to be relocated to allow construction of the proposed driveway. The applicant's professionals indicate the location of the proposed driveway will remain since reversing it with the man door will not allow the existing utility pole to remain in its present position. (6) Trash and recycling collection should be addressed. Existing debris should be removed from the site. The applicant's professionals indicate that a screened dumpster will be provided on the Eighth Street side of the project

between the existing and proposed buildings. (7) Driveway access to the proposed building is being provided from both streets. Testimony is required on proposed facility operations. The applicant's professionals indicate testimony will be provided on facility operations. (8) Proposed pedestrian access points to the proposed building must be added on the site plan. No sidewalk is proposed to connect with the building access points on the Eighth Street side of the building. The applicant's professionals have agreed to add sidewalk. (9) The existing sidewalk is in poor condition and has numerous tripping hazard locations. We recommend sidewalk replacement across the entire project frontage. Existing handicapped ramps at the intersection must be upgraded to current standards. Proposed handicapped ramp locations have been shown for the new driveway location on the Clifton Avenue side of the site. The applicant's professionals have agreed to replace sidewalk and curb as directed by the Township Engineer and a note will be added to the plans. (10) Sight triangles have not been provided at the intersection and for the access drive on Clifton Avenue. The sight triangles may not be required since Eighth Street has a sixty foot (60') right-of-way and Clifton Avenue an eighty foot (80') right-of-way. Confirming testimony should be provided. The applicant's professionals have indicated that testimony will be provided on sight distances. (B) Architectural (1) Testimony should be provided on proposed building signage. No signage is shown on the architectural plans. The applicant's professionals indicate that testimony will be provided on signage. (2) The applicant's professionals should provide testimony regarding the facades and treatments of the proposed new building. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. The applicant's professionals indicate that testimony will be provided. (3) No water and sewer connections are shown for the proposed building. The building interior is shown to be unfinished. The applicant's professionals indicate that testimony will be provided. (4) If heating and/or cooling is proposed, we recommend that the location of proposed HVAC equipment be shown. If air conditioning is proposed, equipment should be adequately screened. The applicant's professionals indicate that testimony will be provided. (C) Grading (1) The proposed grading scheme cannot be evaluated until the existing contour lines are corrected. In accordance with our 3/17/11 site investigation, the existing property slopes gently from south to north. The applicant's professionals have agreed to revise the Existing Conditions Plan. (2) Proposed elevations are required for the inlet grates and manhole rims. The applicant's professionals will be adding the proposed elevations. (3) The proposed grading will be reviewed in detail after plan revisions are submitted. Statement of fact. (D) Storm Water Management (1) Predevelopment and Post Development Drainage Area Maps are required to assist in the review of the design. The applicant's professionals will provide Drainage Area Maps. (2) Review of the Storm Water Management Report indicates design revisions are necessary. Additional runoff should be collected to reduce bypass areas and properly decrease runoff from smaller storms. The volume of the recharge system must be increased since the system's size is being exceeded for the 100 Year Storm. Revisions to the Storm Water Management will be undertaken and may be made a condition of approval. (3) Proposed roof drains and the proposed trench drain shall be connected to the storm water management system. The applicant's professionals indicate that connections will be made to the storm water management system. (4) The submission of a Storm Water Management Operation & Maintenance Manual has been included. Confirming testimony shall be provided that the

operation and maintenance of the proposed storm water management system will be the responsibility of the applicant. The Manual must be edited to be project specific for a storm sewer collection and underground recharge system. Testimony should be provided on the ownership and maintenance of the storm water management system. (E) Landscaping (1) The only proposed landscaping consists of buffer plantings being provided between the facilities building and the adjoining properties. Twenty-four (24) Leyland Cypress evergreens are proposed along the western property boundary. Twenty-two (22) Green Giant Arborvitae evergreens are proposed along the southern property line. Landscaping shall be reviewed in detail during compliance should site plan approval be granted. (2) The overall landscape design is subject to review and approval by the Board and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. The Board should provide landscaping recommendations, if any. (F) Lighting (1) The only proposed lighting consists of one (1), one hundred seventy-five watt (175W) wall mounted light, twenty-five foot (25') high shown on the east side of the building with the two (2) overhead doors. The adequacy of the proposed lighting must be addressed. Lighting shall be reviewed in detail during compliance should site plan approval be granted. (2) The overall lighting design is subject to review and approval by the Board. The Board should provide lighting recommendations, if any. (G) Utilities (1) General Note #10 on the Site Plan indicates that electric, telephone, gas, and CATV services will be installed underground in accordance with the regulations of the local utility company. Testimony should be provided on proposed utilities needed for the structure, especially since no utility connections are shown. The applicant's professionals indicate that testimony will be provided on utilities. (H) Signage (1) Signage information is not provided for this site plan application. Any free-standing and building-mounted signs identified on the site plan (requiring relief by the Board) must be provided for review and approval as part of this site plan application. The applicant's professionals indicate that testimony will be provided on signage. (I) Environmental (1) The Tree Protection Management Plan indicates that two (2) specimen trees are to be removed having a total diameter of fifty inches (50"). However, the location of the two (2) specimen trees being removed is not clear. Compensatory plantings will be reviewed during compliance if/when approval is granted. The applicant's professionals indicate that testimony will be provided. **(J) Construction Details (1)** 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. Construction details will be reviewed after plan revisions are submitted. ***Final construction details will be reviewed during compliance should site plan approval be granted*** (2) We recommend the applicant's engineer contact our office to review the construction details. ***The applicant's engineer will be reviewing the construction details with our office.*** (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: **(a)** Developers Agreement at the discretion of the Township; **(b)** Township Tree Ordinance (as applicable); **(c)** Ocean County Planning Board; **(d)** Ocean County Soil Conservation District; and **(e)** All other required outside agency approvals.

Mr. Abraham Penzer on behalf of the client asked to have Mr. Flannery sworn in. Mr. Brian Flannery P.E. was sworn in stating the application is for a facilities building for storage. On this

site there is an existing dorm building with 33 dorm rooms, on the corner of 8th Street and Clifton Ave. What we are doing is adding the facilities room in the back , this is part of the Campus Ordinance, on block 98 is the additional campus that was approved by this board last year. It is within the 500 feet (420 feet) and it conforms with the requirements of that Ordinance. We are less than the 45% coverage, the existing building is 3,258 sq feet, the proposed building is 6,528 sq feet. We are about 44% where 45% is allowable. There are no variances indicated, we have access from both the 8th Street side and Clifton Ave. This will be for normal storage, books, chairs, supplies etc. The parking we are providing in accordance with the Ordinance, there is an existing parking lot on 8th Street and we are putting a parking lot on Clifton Ave. As for the technical comments we will satisfy the engineer on all of them. We will replace the sidewalks as per the engineer's comments.

Chairman Neiman asked if there were any questions from the Board or the public, seeing none a motion was made to approve this application by Mr. Follman and seconded by Mr. Fink.

Roll Call Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Chairman Neiman, yes, Mr. Fink, yes, Mr. Follman, yes, Mr. Schmuckler, yes.

2. SP # 1891A (No Variance Requested)

Applicant: Bnos Devorah

Location: Prospect Street, west of Williams Street
Block 411 Lot 26

Amended Site Plan proposed addition to existing school

Project Description

The applicant is seeking Amended Preliminary and Final Site Plan approval for the construction of a one-story building addition with unfinished basement to the existing school building for additional classrooms and educational facilities. Besides the proposed 58' X 87', 5,046 square foot addition footprint, an expanded parking lot is proposed as well. The applicant is proposing 10,092 square feet of addition space among the unfinished basement and first floor. The plans indicate twelve (12) off-street parking spaces will be required. The looped driveway and parking lot is proposed to be expanded for the existing access of the school and the proposed addition section. ***We have the following comments and recommendations per testimony provided at the 3/29/11 Planning Board Plan Review Meeting, and comments from our initial review letter dated March 22, 2011: (I) Waivers (A) The following waivers have been requested from the Land Development Checklist: (1) Submission of an Environmental Impact Statement. (2) Submission of a Tree Management Plan. We support the requested waiver from the Environmental Impact Statement because of the size of the site. A Tree Management Plan can be provided as a condition of approval, conforming to the ordinance as applicable. The Board granted the waiver from providing an Environmental Impact***

statement and deferring a Tree Management Plan as a condition of approval. (II) Zoning

(1) The site is situated within the R-12, Single-Family Residential Zone. Public and private schools are a "permitted use" per Section 18-906 of the UDO. **Statements of fact.** (2) According to the initial approval, the project received relief from Section 18-906.A.2 of the UDO. A maximum twenty foot (20') wide buffer is required, whereas the applicant received approval for a seventeen foot (17') side yard building setback on the east side with seven (7) white pines and compact inkberry holly for a low level screen. The proposed addition will continue the 17.26 foot side yard setback, exclusive of the handicap access ramp. Nine (9) additional white pines and four (4) additional compact inkberry holly are proposed within the reduced buffer. The applicant's professionals should confirm whether an access proposed on the west side of the addition will violate the twenty foot (20') wide buffer. **The revised plans indicate a proposed minimum dimension of 20.61 feet to the access on the west side of the addition. Therefore, the proposed addition will not violate the twenty foot (20') wide buffer on the west side. However, a proposed 16.72 foot dimension, exclusive of the handicap access ramp, is shown on the east side of the addition. These distances are less than the seventeen foot (17') side yard building setback originally approved. Testimony shall be provided on the proposed minimum distance for the side yard setback on the east side of the addition and the Board shall take action on the required relief.** (3) Relief is required from Section 18-906.B of the UDO which does not permit parking within any required buffer. The existing parking is already within five feet (5') of the western property line. The proposed parking lot expansion will be less than five feet (5') from the eastern property line. **The Board shall take action on the relief required for parking within any required buffer.** (4) The initial approval granted relief from Section 18-906.E of the UDO, where school bus loading and unloading areas shall be designed such that children do not have to cross a parking area. Testimony should be provided on this matter because of the expanded parking area configuration. **The Board shall take action on granting relief from Section 18-906.E of the UDO for this amended approval.** (5) We observed a project identification sign during our site investigation conducted on 3/17/11 which is not shown on the Existing Conditions Plan. The sign is close to the right-of-way and may be within the sight triangle. The initial approval did not grant any sign variances. At a minimum, a setback variance would be required for this existing sign. Testimony should be provided by the applicant's professionals. **Testimony was provided that the existing sign will be removed.** (6) We also observed an existing shed behind the school on the east side of the property. A side yard variance for an accessory structure may be required. Testimony on the shed should be provided by the applicant's professionals. **Testimony was provided that the existing shed will be removed.** (7) The applicant must address the positive and negative criteria in support of any required variances. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (III) **Review Comments (A) Site Plan/Circulation/Parking** (1) The General Notes indicate the Outbound and Existing Conditions were taken from a survey prepared by Clearpoint Services, LLC, dated 8/10/09. Based on our site investigation, the Existing Conditions Plan provided is out of date. At a minimum, the following must be added:

(a) Traffic and site identification signs. (b) Limits of concrete curb, Belgian block curb, and depressed curb for drainage. (c) Existing traffic striping, parking spaces, handicapped spaces, and detectable warning surfaces. (d) Existing landscaping which must have been planted for the original approval. (e) Limits of chain link and wood fencing. (f) Existing playground and shed locations. (g) Existing HVAC units around the building. **The applicant's professionals have agreed to add the updated information.** (2) The proposed parking configuration must be clarified by the applicant's engineer, particularly with respect to handicapped parking. A circulation pattern for the proposed buses should be provided to insure there are no conflicts. **Testimony should be provided on the proposed parking configuration. Testimony should also be provided whether the unidentified line on the plan is to show buses will not conflict with parking spaces.** (3) Handicapped parking and detectable warning surfaces must be proposed to the current code. **Details conforming to the 2007 NJDOT Standard Details must be provided. Detectable warning surfaces must be provided for the altered driveway entrance and the proposed handicap parking space. The existing detectable warning surfaces on the center island of the one-way circulation drive are to current code.** (4) Testimony should be provided by the applicant's professionals as to student bussing, as well as the maximum number of staff professionals at the site during school operations. **The applicant's professionals indicate that testimony will be provided.** (5) A one-way drop-off area from the parking lot will require students to cross parking in front of the main school access. **The applicant's professionals indicate the students can use the handicap aisle to cross from the bus to the sidewalk.** (6) Testimony is necessary from the applicant's professionals regarding how the proposed drop-off area will be used, including but not limited to times, sizes, and types of vehicles anticipated (i.e., buses, vans, cars, others). **The applicant's professionals indicate that testimony will be provided.** (7) Because of the acknowledged deed overlap, the proposed side yard setbacks should be confirmed. **The applicant's professionals indicate the setbacks have been revised to the most conservative line.** (8) Testimony is required from the applicant's professionals addressing who will collect the trash. If Township pickup is proposed, approval from the DPW Director is necessary. No waste receptacle area is shown. An enclosure shall be screened and designed in accordance with Section 18-809.E. of the UDO. **The applicant's professionals have indicated they have met with Public Works. Furthermore, they indicate that curbside pick up will be increased to twice a week.** (9) The proposed curb radius on the entrance drive is being altered for the parking lot expansion. This will require approval from the Ocean County Planning Board. **Statements of fact.** (10) New sidewalk has been constructed around an existing tree in the center island of the one-way circular drive. Either a sidewalk easement must be provided or the existing tree removed and the walk relocated within the right-of-way. The existing tree is within a sight triangle easement. **The applicant's professionals indicate a sidewalk easement can be provided.** (11) Existing chain link fencing encroaches onto the property and into the right-of-way on the west side of the site and should be removed. The existing residential driveway next to the fence also encroaches on the property. The existing on-site curb adjacent this fence and driveway shall be removed and replaced with depressed curb to allow for the future extension of sidewalk westward. **Addressing the encroachments, and removing and replacing curb may be made conditions of approval.** (12) An existing

sight triangle easement associated with the vehicular site exit has been indicated. Bearings, distances, and an area must be added to the existing easement. No shade tree and utility easement exists or has been proposed since the sight triangle encompasses the entire lot frontage. **Adding the survey information can be made a condition of approval.** (13) The existing playground is not compliant with the original approval since no safety surface has been constructed. **Construction details are required for the relocated equipment and playground area to insure future compliance.** (14) No pedestrian route has been proposed for the building access on the west side of the addition. **The applicant's professionals should provide testimony on this matter.** (B) **Architectural** (1) Architectural floor plans and elevations have been provided for the proposed school addition. The proposed building addition includes one (1) floor and a basement. Testimony should be provided on the proposed building height. The allowable building height is thirty-five feet (35'). **Testimony should be provided on the height.** (2) The Rear Elevation has been incorrectly labeled the Front Elevation. **The submission of revised architectural plans may be made a condition of approval.** (3) Testimony should be provided on proposed building signage. No signage is shown on the architectural plans. **Confirming testimony should be provided that there is no proposed building signage.** (4) The architect should provide testimony on handicapped accessibility. Testimony is required from the architect on the specific uses for the proposed individual floors, as well as the existing building. **Statements of fact.** (5) We recommend that the location of proposed air conditioning equipment be shown. Said equipment should be adequately screened. **Plan revisions should be provided.** (C) **Grading** (1) Per review of the proposed grading plan, the design concept is feasible. However, additional proposed elevations and proposed contours are required to complete the grading design. Proposed elevations should be provided at control points, such as landings and building access points. Final grading can be addressed during compliance review if/when approval is granted. **Final grading will be reviewed during compliance submission should approval be granted.** (2) An inlet should be provided at the low point in the proposed parking lot expansion and storm water piped to the proposed recharge system. This will allow the poor condition of the drainage swale on the west side of the existing building to be restored. **The grading and drainage has been revised to provide inlets at the ends of proposed overland swales to promote water quality prior to entering the recharge system.** (3) The proposed playground area behind the addition must be added to the Grading and Drainage Plan. **The playground has been added, but proposed grades, contours, and details must be added as conditions of approval.** (4) No soil boring locations are indicated on the drawings. No boring logs or seasonal high water table information has been provided to justify the proposed depth of the basement and storm water recharge system. **A soil log has been added to the drainage report. The location of the boring must be shown to confirm the seasonal high water table information supplied justifies the proposed depths of the basement and storm water recharge system.** (D) **Storm Water Management** (1) A proposed storm water management system will utilize perforated high density polyethylene pipe to convey storm water runoff into a proposed underground recharge system. The proposed underground recharge system is located under the new playground area behind the building addition. The proposed recharge system consists of twenty-four inch (24") perforated polyethylene (P.E.) pipe. **The revised**

plans propose two (2) inlets connected by eighty-two feet (82') of perforated thirty inch high density polyethylene (30" HDPE) recharge pipe in a stone trench. (2) Storm water calculations have been submitted for review. The drainage area used for the proposed storm water management system is too small. Therefore, the volume of the proposed system needs to be increased. **A revised Storm Water Report has been submitted for our review. The applicant's engineer shall contact our office to review the proposed design.** (3) A two foot (2') vertical separation between the proposed bottom of the storm water management system and the seasonal high water table must be demonstrated. Permeability test results should be provided to justify the recharge for the project. **The permeability test results justify the infiltration rate proposed for the project. The location of the soil log is required to determine whether a two foot (2') vertical separation between the proposed bottom of the storm water management system and the seasonal high water table is maintained.** (4) A storm water collection system for the roof of the proposed school building addition has been provided. Additional information is required for the underground roof drainage system such as pipe sizes, slopes, inverts, and cleanouts. **Some additional information has been added. Inverts are required to check the design.** (5) A Storm Water Management Facilities Maintenance Plan may be required. Confirming testimony shall be provided that the operation and maintenance of the proposed storm water management system will be the responsibility of the applicant. **The applicant's engineer indicates this project falls below the threshold of Major Development. This issue must be addressed in the Storm Water Report. Confirming testimony that the operation and maintenance of the proposed storm water management system will be the responsibility of the applicant must be provided.** (E) **Landscaping** (1) A dedicated landscaping plan is provided with the submission; proposed landscaping is depicted on Sheet 6 of the plans. The existing landscaping planted for the original approval should be added. **Additional plantings may be required to conform to the original approval.** (2) Buffer planting on the east side of the proposed addition consists of four (4) Compact Inkberry Holly and nine (9) White Pines. The buffer planting on the west side of the proposed addition consists of fifteen (15) Leyland Cypress trees staggered in rows. **The proposed plantings conflict with the proposed swales.** (3) Testimony should be provided as to whether compensatory landscaping is proposed (or necessary). **Compensatory landscaping should be addressed as a condition of approval.** (4) Landscaping should be provided to the satisfaction of the Board and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. **The Board should provide landscaping recommendations, if any.** (5) Landscaping will be reviewed in detail during compliance should approval be granted. **Statement of fact.** (F) **Lighting** (1) No existing or proposed lighting is depicted on of the plans. Testimony on site lighting should be provided from the applicant's professionals. **Testimony on site lighting is required since no existing or proposed lighting is shown. Site lighting will be reviewed in detail during compliance should approval be granted.** (G) **Utilities** (1) The plans state that existing utilities connections shall be used if possible. Approval will be required from New Jersey American Water since the project is within their franchise area. **Statements of fact.** (H) **Signage** (1) No signage information is provided. 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. ***The applicant's professionals have indicated the existing site identification sign will be removed.*** (I) **Environmental** (1) No Environmental Impact Statement (EIS) was prepared for this project since it is a developed site and the proposal concentrates on only a portion of the tract. ***The Board granted a waiver from submittal of an Environmental Impact Statement.*** (J) **Construction Details** (1) 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. A detailed review of construction details will occur during compliance review; if/when this application is approved. ***Review of construction details may be a condition of approval.*** (IV) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Developers Agreement at the discretion of the Township; (b) Township Tree Ordinance (as applicable); (c) Ocean County Planning Board; (d) Ocean County Soil Conservation District; and (e) All other required outside agency approvals.

Mrs. Miriam Weinstein, attorney for applicant Bnos Devorah, the applicant received approval from this board in May of 2008 to construct a single story building for a girls elementary school. Needless to say, like every other school in Lakewood, this school has been growing nicely and at this point, back then I think there were about 2 classes, as of September there are parallel classes for all grades other than third grade which will be a single class, which is necessitating the need for an addition. This application is for an amended site plan approval for the proposed addition, there are no variances so this should be a relatively simple application. If I can ask to have Walter Hopkin of the firm WJH Engineering sworn. If we run through your report Terry, item 2, the applicant is seeking a reduction from the 20ft buffer. There was already a waiver from the buffer granted in the last approval in 2008, the applicant has agreed to plant some additional trees to compensate for the reduced buffer. As far as item 3 as well, the parking spaces within the buffer, once again we already had this issue when the original approval was granted. Item 4, same thing, the students crossing the parking area was also granted in the approval 3 years ago. What I would like to ask Mr. Hopkins is if you would address the circulation of the busses and the parking to the board.

Mr. Hopkins was sworn in and stated similar to what was previously designed and the way its operating now, the buses come in and circulate in a counter-clockwise direction. There will be a handicap space, and adjacent to the handicap space is a stripped out area that cannot be parked in. That's where the students will be dropped off, they'll walk through that aisle which is 8 ft wide and then up to the sidewalk, then they will be greeted and brought into the school.

Mr. Mr. Follman asked how many buses can fit in the driveway?

Mr. Hopkins answered he believes three busses can fit. Then he stated that Mr. Notis stated there can be four busses

Mr. Yosef Notis was sworn in stating in the morning the buses are dropped off between 8:40 and 9 am. Buses take about 2 minutes to unload, that's never an issue. We have different dismissals, primary is one dismissal, 1st and 2nd have another dismissal, and 3rd grade will have a different dismissal. So we've never had that many buses at a time.

Mr. Follman asked how many total children are in the school?

Mr. Notis says right now there's about 90 and change. There will be another 48 kids next year. So a little less than 150 people.

Mrs. Weinstein says okay, just to move along in Terry's report, B1 as far as the height of the building will certainly comply with requirements. As far as the comment regarding the access on the western side of the building, that is really an emergency access. You had a comment about a pedestrian access, its an emergency access and won't be used on a regular basis. B3, there is no proposed signage. Everything else we can certainly comply with. So unless there's any questions from the board members, that's our case.

Chairman Neiman asks so you're not adding another floor, you're just moving the building back?

Mrs. Weinstein says correct.

Chairman Neiman asks if anyone from the public wishes to be heard?

Mr. J. Louis Laire was sworn in stating I'm a resident who lives on Elaine street Right around the corner from where the school is at. I was here at the last meeting and I asked the township attorney about the letter I received because were in a residential area. And he explained to me a received the letter because I live within 70 ft of the project that's going on and a law required it. I've lived there for 38 yrs and I was never notified when they wanted to do the first school and when I first found out about it was right before they actually broke ground. In the letter I got, it states that the project is for a pre-existing school, so this goes back to the same point, if we weren't asked then, I don't understand why were being asked now. He says that there's a law requiring it but I have to tell you that they do have traffic problems coming from the school. You may be able to put 4 buses on that lot but you can't put 4 in at the same time and drive around it. Right now there's an RV parked in front of it, some sort of a vehicle that's huge, it's been there for about a month. When the buses do go in and out of there, Prospect being one of the busiest streets in Lakewood, its dangerous. They have some functions there that I'm not sure are related to the day school, that requires many vehicles to come down that are parked on both sides

of Prospect, parked on Elaine Street to the point that I come home and not able to park in my driveway. It's not frequent but it happens.

Chairman Neiman asks if it is during PTA times or parent teacher conferences?

Mr. Laire says I have no idea. I was just upset I couldn't get in my driveway. It is difficult. And when I looked at the site plans, everything says it's pending. Nothing is finished. There is a problem with the water pressure in the area and I spoke to my neighbors on my block and only one other person received a letter.

Chairman Neiman asks if this was noticed in the first application?

Mr. Kielt stated my recollection is they came 3 years ago and they got a formal approval from the planning board. And at the point notice was required and the notices checked and basically if there's someone missing on the list we call the attorney. No one was missing on the list, it could be there's a mistake on the list, but anything on the list was checked and should have been noticed.

Mrs. Weinstein says that's correct, I was the attorney on the last application and we noticed everybody that was on that list.

Mr. Laire says even if I was notified before, I am now concerned about the expansion because I know that Prospect Street is bad now and with the expansion it cant get any better. That won't improve anything in my community, that's solely for the benefit of the school.

Chairman Neiman says I understand you because I live near a school and during PTA times my driveway is blocked too. I think the owner of the school is here and I think you really should let the parents of the school know that they cannot block people's driveways.

Mrs. Weinstein states if I can just point out, PTA happens twice a year, there are 2 conferences a year. And I've spoken to the applicant and he acknowledges that the first time there was a PTA conference there were issues and there were parking problems, he then worked out a plan with the daycare center that's on the corner of Prospect and Williams, and they have agreed since they don't operate the daycare in the evenings, that they can use their parking lot for the PTA meetings and that would resolve the overflow parking problem.

Mr. Hopkins says just to add to that, we hired a police officer last time to help and it was very smooth and had no issues.

Mrs. Weinstein says that she will have the applicant send out a letter to the parents that tell them they cannot park on Elaine Street or Murray Street during PTA meetings.

Mrs. Noreen Gill, 192 Coventry Dr., Lakewood, was sworn in stating it was mentioned in the initial approval, the buffer and the parking spaces were granted. Now in the initial approve was there any kind of mention of expansion? Because I don't understand how someone can get an approval unless it was stated in the original granting with a possible addition. Now how can you add 60 more students and say the parking is fine?

Mrs. Weinstein says there has been additional parking added in the front and added onto either side.

Mrs. Gill stated okay then let me ask you this, when the buses pull out do they go West or East?

Mr. Notis indicated that generally they go West they make a right hand turn so they don't have to cross traffic.

Chairman Neiman asked that one of Mr. Laird's concerns was about the water or something like that. Is there a water feasibility study done when there's a big project being built in a certain area?

Mr. Vogt stated for any application they will need approval from water company/agency. If the Water Company finds out they can not meet the demand of a project they will notify the applicant of such.

Chairman Neiman asks if the public has anymore questions. Seeing none he closes to the public and asks if the board members have any questions. Seeing none he asks for a motion.

Motion made for approval by Mr. Banas, seconded by Mr. Follman.

Roll Call Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Chairman Neiman, yes, Mr. Fink, yes, Mr. Follman, yes, Mr. Schmuckler, yes.

3. SP # 1953 (No Variance Requested)

Applicant: Yeshiva Shagas Aryeh

Location: Northeast corner of West Cross Street and Neiman Road
Block 251.03 Lot 19

Preliminary & Final Site Plan for proposed school

Project Description

The applicant is seeking Preliminary and Final Site Plan approval for the construction of a two-story school building, which includes an unimproved basement, within a 16,409 square foot footprint and to retain the existing building for a nursery. It is our understanding that the school will serve Pre-kindergarten through 5th grades (boys) at this time. The site plans and architectural plans indicate the proposed first floor of the high school building will contain nineteen (19) classrooms and one (1) office. The second floor will contain twenty (20) classrooms and one (1) office. Four (4) parking areas, comprising ninety-five (95) proposed parking spaces are proposed in front and behind the proposed school building. An interior circulation drive is also proposed, including a 36 foot wide cartway leading from a proposed Niemann Road entrance in front of the proposed school building, as well as a 25-foot wide aisle with access onto West Cross Street, a County Road. Per a statement in the Environmental Impact Report, buses will exit the site onto Niemann Road. Per the site plans and reports, well and septic system service is proposed to service the new school. A "recharge" basin as referenced in the report is proposed for stormwater management. As currently designed, the system would allow for infiltration but also have a detention outflow via a piped discharge to the rear of the site. In addition to the above referenced improvements, a 6,000 square foot pool and a 6,000 sf gym are shown as "future" amenities the between the school and the proposed stormwater basin. The surrounding land consists of mainly residential uses. **We have the following comments per review of the revised application per comments from our initial review letter dated March 24, 2011:** (I) **Zoning** (1) The parcels are located in the R-40 Residential District. Private schools are permitted uses in the zone. **Fact.** (2) Per review of the Site Plans and the zone requirements, no variances have been requested for this application, nor appear necessary. Further, in accordance with Section 18-906A of the UDO, a 20' foot wide perimeter landscape buffer is proposed along adjacent properties. However, the property has a dual frontage on Niemann Road, which should be addressed in the Bulk Requirements Table on Sheet 3 of the site plans. **The Bulk Table (Sheet 2) has been revised as requested.** (3) The applicant's professionals should indicate whether any design waivers are being sought as part of this application. At a minimum, signed and sealed copies of the submitted survey plan and architectural plans must be provided prior to the forthcoming public hearing on the application. **No design waivers are requested. A copy of the survey plan can be provided during compliance if/when Board approval is granted.** (4) The architectural plans appear to indicate that thirty-nine (39) classrooms and two (2) offices are proposed for the facility. No other facilities (libraries, tutor rooms, etc.) are depicted. **Fact.** (II) **Review Comments (A) Site Plan/Circulation/Parking** (1) As indicated previously, Four (4) parking areas, comprising ninety-five (95) proposed parking spaces are proposed in front and behind the proposed school building. An interior circulation drive is also proposed, including a 36 foot wide cartway leading from a proposed Niemann Road entrance in front of the proposed school building, as well as a 25-foot wide aisle with access onto West Cross Street, a County Road. Per a statement in the Environmental Impact Report, buses will exit the site onto Niemann Road. **Fact.** (2) Per the schedule indicated on the site plans, based on one (1) space required per classroom or office, fifty (50) parking spaces are required per UDO standards. Testimony should be provided by the applicant as to whether this figure includes the existing nursery at the front of the site. Testimony should be provided as to whether any Tutor Rooms,

Libraries, or Meeting Rooms are proposed as described per Section 18-906C of the UDO. Parking should be provided to the satisfaction of the Board. **Testimony will be provided. (3)** Testimony should be provided by the applicant's professionals as to whether all students will be bused, or will be allowed to be driven to the site, as well as the maximum number of staff professionals at the site during school operations. **Testimony will be provided. (4)** Testimony should be provided by the applicant's professionals regarding proposed ingress and egress from the property. Both proposed accesses into the site as well as the interior access drives are all designed for two-way traffic as depicted. It is our understanding that buses will enter the site from West Cross Street and exit onto Niemann Road. **Testimony will be provided. (5)** Site triangles must be provided for both proposed entrances. **Site triangles are provided on the revised plans. Metes and bounds will be required during compliance if/when Board approval is granted. (6)** Testimony should be provided regarding the number of potential buses anticipated to service the school. A dedicated bus drop-off area should be identified based on the anticipate number of buses that could stage on site for drop-off or pickup at any one time, including but not limited to times, sizes, and types of vehicles anticipated (i.e., buses, vans, cars, others). **Testimony will be provided. (7)** Testimony should be provided as to whether any students are anticipated to walk to or from the school. If so, internal pedestrian circulation (in addition to the proposed sidewalk along the school frontage) must be addressed on the plans. Additionally, a landing and sidewalk appear necessary for a proposed door on the north face of the school building as depicted on the site plans. **Testimony will be provided. (8)** Per cursory review of the proposed parking and access layout, there appears to be adequate space provided for the maneuvering of buses and other large vehicles within the site. However, a vehicle circulation plan should be provided for review prior to the public hearing. **Per the applicant's engineer's cover letter, testimony will be provided. If approved, a dimensioned plan can be provided during compliance to ensure adequate circulation. (9)** Testimony should be provided regarding the chain link fence proposed at the front of the school. We assume this is a staging area for children entering or exiting school buses. **The revised plans depict this area to be a (paved) loading/unloading area for students. Additional testimony will be provided at the forthcoming public hearing. (10)** Additional grading information and construction details are required for the proposed 'u-shaped' handicap ramp as depicted in front of the school. **As referenced in the engineer's cover letter and as depicted on the revised plans, handicap access is now proposed via a shallow grade handicap ramp extending from the main entrance, allowing access through the staging area to/from the proposed handicap parking spaces. This concept is viable, but will require minor revisions during compliance if/when Board approval is granted. (1)** Additional information is required regarding the adequacy of the local Niemann Road paving near the proposed site entrance to accommodate long-term bus traffic. Additional paving and road improvements near the proposed entrance may be warranted. At a minimum, paving repairs along the existing road edge along the property frontage appear necessary. **Testimony will be provided. (12)** The loading dock proposed at the rear of the school building must be dimensioned. **The proposed loading dock (15'x70') is dimensioned on the revised plans. The forthcoming vehicular circulation plan will have to ensure adequate truck access to and from the dock facility. (13)** A proposed refuse enclosure is depicted in the corner of the

proposed rear parking lot, adjacent to the loading dock at the rear of the building. Testimony should be provided whether DPW or private pickup is necessary. **Testimony will be provided.** (14) The anticipated timetable for the “future” pool and gym facilities should be addressed by the applicant. **Testimony will be provided.** (15) Survey data must be provided for all proposed easements. **Fact. Will be provided during compliance if/when Board approval is granted.** (B) **Architectural** (1) Architectural plans have been provided for the proposed high school. The set includes floor plans and front elevation and left side elevations. The proposed building includes two (2) floors and an unfinished basement. The proposed building height at the front parapet is less than 32.5 feet high, with the remainder of the building (scaling) less than 30 feet high. The allowable building height is thirty-five feet (35’). **Fact.** (2) As depicted on the building elevations, the façade will be a stucco veneer selected by the owner. **We recommend that the applicant bring color renderings for the Board’s consideration at the forthcoming public hearing.** (3) Seasonal high water table information is required to substantiate the proposed basement floor elevation. **As referenced in the engineer’s cover letter, soil borings taken as indicated on the revised plans show the seasonal high water table exceeding ten feet near the proposed basement. Borings data will be required during compliance if/when Board approval is granted.** (4) As noted on the proposed architectural plans, the basement is unfinished at this time. Testimony should be provided from the applicant regarding future use of the basement space. **Testimony will be provided.** (5) Per information provided on the site plans, an on-site well is proposed for water service. Testimony should be provided as to whether the proposed building will include a sprinkler system. **Testimony will be provided.** (6) We recommend that the location of proposed air conditioning equipment be shown. Said equipment should be adequately screened. **Per the engineer’s cover letter, HVAC units will be roof-mounted with no screening proposed. Given the rural nature of the surroundings, depending upon the sound levels associated with the proposed equipment, screening for sound attenuation may be warranted.** (C) **Grading** (1) Per review of the proposed grading plan, the design concept is feasible. The preliminary grading design is generally well-prepared, and reasonably-limits necessary development of wooded areas on-site. Final grading can be addressed during compliance review if/when approval is granted. **Fact.** (2) No soil boring information is indicated on the drawings. Seasonal high water table information must be provided to justify the proposed basement elevation of the high school and the depth of the storm water recharge system. For preliminary review purposes, we note that the mapped soil types for the site are generally well-drained with significant depths to water table. **Data for on-site borings will be evaluated during compliance review if/when Board approval is granted.** (D) **Storm Water Management** (1) Stormwater management for the project is proposed by a network of inlets and collection piping for the parking areas and access drive, leading to a proposed (hybrid) recharge basin toward the rear of the site. The basin includes an elevated discharge pipe and outfall, as well as an emergency spillway structure. Per the stormwater report submitted with the application, roof leaders from the proposed school will discharge onto the ground and water collected by the proposed inlets and collection piping system. **Fact.** (2) Per review of the preliminary drainage design and favorable on-site soil conditions, there is more than sufficient on-site property available to install an on-site recharge system similar to what is proposed in

the preliminary design. However, the following items must be addressed, at a minimum, to finalize the stormwater design during compliance (if/when approval is granted): (a) Collection system calculations supporting the proposed inlets and piping. **To be addressed during compliance if approval is granted.** (b) Sizing of the proposed basin outfall piping (and basin discharge orifice. **To be addressed during compliance if approval is granted.** (c) Soils data to properly-size the recharge basin and to ensure adequate separation for the seasonal high ground water table (data are forthcoming per the stormwater report). **To be addressed during compliance if approval is granted.** (d) Means of vehicular access to the basin for desilting and maintenance purposes. **A 10-wide paved access drive extending from the basin to the rear parking lot is proposed, and will be reviewed during compliance if approval is granted.** (e) The addressing of water quality standards (e.g., are flo-guards or similar measures proposed to achieve the 80% TSS removal standards. **To be addressed during compliance if approval is granted.** (f) Given the nature of the use involving school age children, a fence or similar measures around the basin should be considered for safety purposes. **Per the engineer's cover letter, fencing is proposed but not depicted on the revised plans. This item can be addressed during compliance if approval is granted.** (g) If not done already, the basin should be sized to account for the future gym and pool facilities, or additional measures will be required at a later date. **Per the engineer's cover letter, the basin has been design to account for the proposed future expansion.** (3) A Storm Water Management Facilities Maintenance Plan must be provided. Confirming testimony shall be provided that the operation and maintenance of the proposed storm water management system will be the responsibility of the applicant. This plan can be provided during compliance review if/when Board approval is granted. **Fact.** (E) **Landscaping and Lighting** (1) A dedicated landscaping and lighting plan is provided with the submission; proposed landscaping is depicted on Sheet 4 of the plans. **Fact.** (2) A six foot (6') wide shade tree and utility easement is proposed across the frontage of the property. **Fact.** (3) As proposed, a double row of white pines is proposed to supplement the existing perimeter buffer along the northerly property line. Additionally, red maples are proposed around the front parking areas as depicted on the plans. **Fact.** (4) As evidenced per a site inspection of the property, a significant amount of vegetation within the interior must be cleared to construct the proposed project, most of which is unavoidable. Final grading will be reviewed during compliance (if/when approval is granted) to minimize clearing where practicable, and to provide measures such as snow fencing along limits of disturbance intended to remain. **Fact.** (5) This application will be subject to the requirements of the new Tree Clearing ordinance if/when approved. The survey as well as the "Tree Management Sheet" (sheet 8) depicts sample tree counts from two (2) on-site areas. Data from these counts and other information necessary to document compliance with the Tree Clearing ordinance (i.e., additional plantings and/or monetary contributions) will be required during compliance review, if/when Board approval is granted. **Fact.** (6) Landscaping should be provided to the satisfaction of the Board, and conform to recommendations (if any) from the Township Shade Tree Commission, as practicable. **Fact.** (7) The Lighting Plan appears to show eleven (11) pole mounted lights around the proposed parking area, and (unlabelled) isofootcandle lines. **Fact.** (8) Additional information is needed to evaluate proposed lighting to ensure conformance with Township standards, including but not limited to pole heights and

bases, lighting equipment construction details, and lighting details including isofootcandle intensities. Additional construction detail information is required for the light pole bases. **Isofootcandle lines on the revised must be labeled (during compliance). Lighting details were provided on the revised plans depicting a proposed 30-foot mounting height (allowed per Section 18-804 of the UDO for sites exceeding five acres).** (9) Additional information regarding building-mounted lighting (if any) should be provided on the plans. **Per the engineer's cover letter, no building-mounted lighting is proposed at this time.** (10) Light shields should be provided where necessary to prevent spillover onto adjacent properties. **A note was added to the revised plans indicating that shields will be provided.** (11) We recommend that lighting (other than security lighting) be installed on time systems. **A note was added to the revised plans indicating that timers will be provided.** (F) **Utilities (1)** The plans indicate the site will be served by private on-site (well) water and septic systems. Outside agency approvals from the Ocean County Health Department are necessary. **Fact.** (2) If not done already, the applicant should ensure that adequate source well water is available to service the proposed school, including but not limited to fire suppression systems (if proposed) for the building and amenities such as the future pool facility. Otherwise, public water service may be necessary. **Fact.** (3) Fire hydrants (if proposed) should be indicated on the plans. **Per the engineer's cover letter, no fire hydrants are proposed since public water is unavailable within 1,000 feet of the site.** (G) **Traffic (1)** Minimal traffic information is provided with the preliminary submission. There is a reference on page 6 of the environmental report citing twelve (12) proposed buses daily in the morning and afternoon, and up to forty (40) vehicle trips daily by school personnel and parental pick-ups and drop-offs. **Fact.** (20) More detailed traffic information and testimony should be provided for the Board's consideration. At a minimum, a traffic generation report should be provided to quantify potential traffic generation from the school using industry standards (e.g., ITE manual trip generation rates), and potential traffic impacts to the intersection assessed. Testimony from a qualified traffic consultant should be provided at the forthcoming public hearing. **No additional information was provided with the revised submission. This item must be addressed at the forthcoming public hearing.** (3) As cited previously, testimony should be provided as to whether significant pedestrian traffic is anticipated for the school. **Per the engineer's cover letter, no pedestrian traffic to the site is anticipated (presumably since the school will serve pre-k through 5th grade per testimony at the workshop hearing).. Confirming testimony should be provided at the forthcoming public hearing** (4) Ocean County approval will be necessary for the proposed West Cross Street entrance. **Fact.** (H) **Signage (1)** No signage information is provided. 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. **Fact.** (2) All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with Township ordinance. Sheet 1 contains a note to this effect. **Fact.** (I) **Environmental (1)** An Environmental Impact Report (EIR) was prepared for this project. 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. No environmentally-constrained lands such as wetlands or floodplains exist within the site per available mapping. **Fact.** Testimony should be provided by the applicant's professionals as to whether there are any known areas of environmental concern (i.e. fuel tanks, fuel spills, etc.) that exist within the property. (2) We recommend that all on-site materials from the proposed demolition activities be removed and disposed in accordance with applicable local and state regulations. (J) **Construction Details** (1) 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. A detailed review of construction details will occur during compliance review; if/when this application is approved. **Fact.** (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Developers Agreement at the discretion of the Township, (b) Township Tree Ordinance (as applicable); (c) Ocean County Planning Board; (d) Ocean County Soil Conservation District; (e) Ocean County Health (well and septic system approvals); (f) All other required outside agency approvals. **Per the engineer's cover letter, all approvals will be obtained.**

Rabbi Shlomo Kanerik 137 East 8th Street, Lakewood was sworn in.

Mr. Glenn Lines P.E. was sworn in.

Mr. Pfeffer for the applicant stated the school Yeshiva Shagas Aryeh, which is a boys elementary school, up until this school year was situated on New Central Ave in Lakewood, as part of the transaction to which the school, through Rabbi Kanerik purchased this property, the New Central Ave location has to be conveyed back as of Sept. 10th of this year. As part of this transaction though there was a single family ranch house on the property which we converted into 2 classrooms and this project is to basically bring the entire school to this location as of the fall. Rabbi Kanerik, with the regard to page 3 paragraph A2, first would you share with the board is there going to be any special tutorial rooms or anything of that nature, give an overview of how many children etc. so the board understands what this school is all about.

Rabbi Kanereik stated this school has just begun about 3 years ago up to 2nd grade. We have parallel primary and 1st and then one 2nd grade. We anticipate the school grows every year, another 2 classes come in. We have tutoring rooms and a library also.

Mr. Vogt asked if the parking is adequate?

Mr. Lines stated yes, we are somewhere between 55-58 spaces required and were providing I believe now 103 spaces.

Mr. Pfeffer asked how many buses will be brought into the property?

Rabbi Kanerik stated we almost never have more than 5-6 buses brought in. Also, we put chain link fence 40 ft in front of the school with openings every 40 ft, which is the length of the bus. And the children go right onto the bus from the chain link fence opening instead of running around.

Mr. Lines says in regard to ingress and egress on the site, we have 2, one is on West Cross Street and the other is on Neiman Road. We anticipate all the buses would be coming in from the West Cross Street entrance, coming into the site and then parking in front of the building. There's enough room for 6 buses, and as the school increases in size there's enough stacking room on the entrance driveway for another 6 buses so we can actually stack 12 without any problem. All the buses would exit onto Neiman Road where they could make a right or left.

Mr. Follman asked how many children are in the school?

Rabbi Kanerik stated right now approx between 150-170.

Rabbi Kanerik stated in regards to paragraph 7, I don't anticipate any children walking at this time, no one lives in that area. Most of our student body is from West gate and no one is walking from west gate to our school.

Mr. Lines in regards to paragraph 11, Neiman Road is actually a road in good condition, we'll have to do some pavement repair when we put the curb in and a little bit of reconstruction right by the driveway because were actually widening and putting a nice curb in the road where there isn't one now.

Chairman Neiman asked if there are sidewalks proposed on this application?

Mr. Lines says we have sidewalks on both frontages of the property.

Mr. Franklin asks next to the trash, you have a concrete retaining wall, what's that for?

Mr. Lines says that's for the loading dock.

Mr. Franklin explained that it is tight getting a truck in and out of a tight space and they may hit the wall.

Rabbi Kanerik says this site is 9 and half acres, usually once the school gets to the older classes I usually make a summer day camp for them. Including a swimming pool and gym facilities. But that will be phase two. It is on the plan even though it is phase two.

Rabbi Kanerik clears up that the basement is just a lunchroom for the children. And the sprinkler system will be whatever the building code calls for.

Mr. Lines stated that they answered most of the comments but they do have to sit down with the board engineer to review some of them. We do not have a problem with any of the comments.

Chairman Neiman asks if the board has any comments?

Mr. Banas says he does not like the chain link fence. It looks too much like there's no control of the kids and the teachers aren't doing their jobs. When you need to herd them like cattle, I don't think kids are that way. It's just something that is just too oriented, it's in lock step, I know you're looking out for the safety of the pupils, I appreciate that, but there are other ways. And I think something else should be done that would give them a little opportunity to express themselves and still follow the rules.

Rabbi Kanerik says the back of the property which is acres and acres, the children could run and have ball games, but when it comes time for buses and children, they don't mix. We've been perfecting this for many years.

Mr. Banas says in my career I've loaded many buses, and we required teachers to be out there with the kids. And for ADHD kids we required not only teachers but an aide as well. So you have the personnel to control them, but that gives them a false impression.

Rabbi Kanerik says the teachers are out there and the kids are out there and all we need is one child to get pushed. And that's why we have the fence 40ft away from the building.

Mr. Banas says okay, and one thing about the property to the north, you're not letting the kids run rampantly right.

Rabbi Kanerik says of course not. We do give them a lot of room to run and jump around though .

Chairman Neiman asks if the public has any comments.

Mrs. Jerry Balwins, Governors Road was sworn in stating this was the area that was previously the A1 zone and now it's the R40. I was looking at some maps about the draft proposal for the sewer service area and it seems like this area is not in the draft map for a sewer service area. Are they going to be using septic?

Mr. Lines says yes we are proposing well and septic on the property and it will be sized according to the number of students anticipated. We've already done soil tests and it is suitable behind the building.

Mr. Banas asks if the septic needs fenced in property?

Mr. Lines says no.

Chairman Neiman asks for any other questions from the public. Seeing none he closes it to the public. Motion to approve was made by Mr. Schmuckler to approve and seconded by Mr. Follman.

Roll Call Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Chairman Neiman, yes, Mr. Follman, yes, Mr. Schmuckler, yes.

Committeeman Ackerman has arrived for the meeting. Mr. Fink has left the meeting.

4. SP # 1950 (Variance Requested)

Applicant: Zebra Holdings

Location: Main Street (Route 88) East of Clifton Avenue
Block 122 Lot 2.01

Preliminary & Final Site Plan for proposed supermarket

PROJECT DESCRIPTION

The applicant is seeking Preliminary and Final Major Site Plan approval. This site plan proposes to replace the temporary supermarket structure currently on the site with a permanent one-story supermarket. It is also proposes to build a loading dock with a second story office above the loading dock. The supermarket is to remain open during construction. The existing property consists of an irregular shaped lot totaling 0.87 acres which is Lot 2.01 in Block 122. The tract has existing frontages on two (2) streets. Main Street, which is Route 88 a State Highway, has an eighty foot (80') right-of-way and is located to the south. First Street with a sixty foot (60') right-of-way is located to the north. The site shares parking with the parcel to the east, Lot 8, which contains a Laundromat.

The proposed building will be approximately twenty-one thousand square feet (21,000 SF). A total of sixty-three (63) parking spaces are proposed to be shared for the sites. The parking lot is proposed to have a one-way circulation pattern from Main Street to First Street. ***We have the following comments and recommendations per testimony provided at the 3/29/11 Planning Board Plan Review Meeting and comments from our initial review letter dated March 24, 2011: (1) Zoning (1)*** The site is located in the B-2 Central Business Zone. Grocery stores and offices are permitted in the Zone. Testimony should be provided that the limited second floor office use is associated with the grocery store operations. ***The testimony provided at the Plan Review Meeting regarding the second floor office use will be reiterated at the Public Hearing. (2)*** A rear yard setback variance is being requested. A 2.6' setback is proposed for the supermarket building. The Zoning requires a rear yard setback of ten feet (10'). ***The revised plans propose a 2.71 foot rear yard setback. The Board shall take action on the requested rear yard setback variance. (3)*** A seven foot (7') side yard setback with an aggregate of fifteen feet (15') is required. A four foot (4') side yard setback is proposed from the supermarket building to neighboring Lot 5 to the west. An 8.17 foot side yard setback is proposed from the supermarket to neighboring Lot 8 to the east. Therefore, an

aggregate of 12.17 feet is proposed for the side yards. The ordinance indicates a side yard setback is not required between two (2) business uses. Lot 8 contains the Laundromat while Lot 5 is contains a parking lot for the church at the corner of Clifton Avenue and First Street. It is our opinion a side yard variance is required for the proposed four foot (4') side yard setback between the supermarket and Lot 5. ***The revised plans propose a 3.77 foot side yard setback to Lot 5. The Board shall take action on the required side yard setback variance. (4) Per Note 4 on the plans, and per communications with the applicant's professionals, the proposed supermarket footprint is similar to the existing (interim) supermarket area footprint, as well as the footprint of the former building (per review of 2002 aerial photography). (5) Supplemental information regarding the requested setbacks for the new building versus the pre-existing conditions, and former operations at the site have been provided for review at the forthcoming public hearing. (6) All non-residential uses in the B-2 Zone are exempt from parking requirements. Statement of fact. (7) The following sign variances are being requested: (a) A greater amount and square footage of Wall Signs than allowed. (b) Wall Sign on building elevation that does not front a street. The maximum sign area for a wall sign is sixty square feet (60 SF). The area of the proposed wall sign facing Main Street is three hundred sixty-six square feet (366 SF). The area of the proposed wall sign facing the parking area is one hundred forty-four square feet (144 SF). The applicant should provide more detailing of the wall signs on the architectural plans for the Board's review. The Board shall take action on the sign variances being requested. (8) The applicant must address the positive and negative criteria in support of the required variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. (II) Review Comments (A) Site Plan/Circulation/Parking (10 The applicant's professionals have indicated there is a cross access agreement between Lots 2.01 and 8. A copy of the agreement should be made part of the submission. The applicant's professionals indicate there is an existing verbal agreement between the two (2) lots and a written agreement will be provided prior to issuance of a certificate of occupancy. (2) As depicted on the current design, three (3) handicapped spaces, none of which are van-accessible, are proposed near the main supermarket entrance. We observed existing handicapped spaces across the aisle in front of the Laundromat. However, the site plan shows these spaces as existing angled parking. Clarification is required. The three (3) existing handicapped spaces in front of the Laundromat have been shown. (3) Building offset dimensioning should be provided to the hundredth of a foot since variances are required. The west wall dimension of the supermarket must be corrected to 170.67 feet. Building offset dimensions have been provided to the hundredth of a foot. The west wall dimension can be corrected for compliance submission should approval be granted. (4) A loading area which should be dimensioned is proposed on the north side of the building. The loading area will accommodate four (4) trucks. Two (2) of the loading bays will be depressed and large enough for tractor-trailers. The other two (2) loading bays will be at grade. A design for the depressed loading dock is required which shall include limits of concrete, walls, and railing. Proposed grading and drainage will also be required. Dimensions for the depressed dock have been added along***

with grading and drainage. Final design may be submitted for compliance review should approval be granted. (5) A trash compactor on a concrete pad is shown to remain in the northwest corner of the site next to a shed which will be removed. Testimony is required from the applicant's professionals confirming collection from a private hauler. The compactor area should be enclosed and screened. **The revised plans propose a six foot (6') high board on board fence to enclose the trash compactor and dumpster area. A concrete pad for the dumpsters and landscape screening is recommended. Final design can be provided with compliance submission should approval be granted. (6)** Proposed roof overhangs should be shown on the site plan to assure the property line of adjoining Lot 8 is not crossed. **The limit of roof overhangs have been added and labeled on the revised plans. A correction is required along the wall with the 2.71 foot offset to adjoining Lot 8. This correction can be submitted during compliance review should approval be granted. (7)** All surrounding fencing is in poor condition. Consideration should be given to installing new fencing along the property lines. **A General Note has been added to repair damaged fence as necessary. (B) Architectural (1)** Testimony should be provided on proposed building signage. Building signage is shown on the architectural plans, but no zoning data has been provided. **Proposed building signage data has been added to the revised site plan. Further detailing of the building signage should be provided on the architectural plans. (2)** The applicant's professionals should provide testimony regarding the proposed building façade and treatments. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. **The applicant's professionals indicate the project architect will address these matters. (3)** Testimony should be provided as to whether any roof-mounted HVAC equipment is proposed for the complex. If so, said equipment should be adequately screened. **The applicant's professionals indicate the project architect will address this matter. (C) Grading (1)** The overall grading design is feasible and will be addressed further during compliance review if/when approval is granted. **Statement of fact. (D) Storm Water Management (1)** No storm water management system has been shown or designed for the site. While the site is virtually impervious, testimony is required on the existing storm water management conditions. **The applicant's professionals indicate that testimony will be provided. (2)** The proposed depressed loading dock will require some type of storm water management system. **A trench drain, sump pit, and discharge pipe have been added to the plan. Final design can be addressed during compliance review should approval be granted. (E) Landscaping (1)** No landscaping has been provided for the project. Shade trees, as well as shade tree and utility easements are required unless waived by the Board. **Shade trees have not been provided since the site is virtually impervious. Unless the Board desires shade trees, a waiver should be granted. Furthermore, if a waiver is granted from providing shade trees, the Board should also decide whether to waive requiring shade tree and utility easements. (20)** Final landscape design is subject to Board approval and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. **Statement of fact. (F) Lighting (1)** Eight (8), one hundred watt (100W) proposed building mounted "Wall Director Lights" have been shown on the site plan. Existing site lighting has not been shown. Therefore, it is not clear whether the proposed lighting is adequate. Testimony should be provided on site lighting. **Existing lighting and**

approximate wattages have been added to the plans. The proposed lighting immediately adjacent the supermarket is adequate. (2) The overall lighting design is subject to review and approval by the Board. **The Board should provide lighting recommendations, if any.** (G) **Utilities (1)** No new water or sewer service is proposed. Existing water and sewer service is provided by New Jersey American Water Company. **Statements of fact. (H) Signage (1)** A dilapidated existing freestanding sign which is not indicated on the Site Plan is located adjacent the Main Street right-of-way in the southwest corner of the site. The architectural plans indicate proposed wall sign locations on the east and south sides of the grocery store. No dimensions or details have been provided to confirm that the signs comply with the ordinance requirements. Existing and proposed signage must be addressed. **The free standing sign will be removed as indicated on the revised site plan. Dimensions of the proposed building signs have been added to the site plan. Further detailing of the signs should be provided on the architectural plans.** (I) **Environmental (1)** 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. Data layers were reviewed to evaluate potential environmental issues associated with development of this property. No environmentally-sensitive areas exist per available mapping. **Statements of fact. (J) Construction Details (1)** Additional construction details are required with the current design submission. We recommend that final construction details be revised as necessary during compliance review, if/ when this project is approved by the Board. **Additional details have been added to the plans. Final review of construction details will be completed during compliance should site plan approval be granted.** (III) **Regulatory Agency Approval** Outside agency approvals for this project may include, but are not limited to the following: (a) Developers Agreement at the discretion of the Township; (b) Township Tree Ordinance (as applicable); (c) Ocean County Planning Board; (d) Ocean County Soil Conservation District; (e) New Jersey Department of Transportation; and (f) All other required outside agency approvals. **We commend the applicant's professionals for efficiently addressing the initial review comments.**

Mr. Schmuckler excused himself from this application due to conflict of interest.

Mr. Abraham Penzer on behalf of the applicant asked to have Mr. Stevens sworn in. Mr. William Stevens P.E. was sworn in stating, what we are doing here is this is the NPGS supermarket site which is behind the Post Office. A few years ago there was a fire at this site and the applicant erected a temporary tent at the site to continue doing business. The time has come to replace this tent structure with a new supermarket building. The building will be built over the existing tent area and there are some storage trailers at the site and we will be building over that area as well. We will be building a building and removing the tent and the trailers. We are asking for two variances they are similar to the conditions that is and was out there. We are trying to build the building around the existing tent so that the applicant can stay in business during the construction phase.

Mr. Neiman asked how they would be able to operate during construction. Mr. Jackson stated that that would be a building dept. problem not this board's.

Mr. Penzer stated that the variance would provide two feet outside of the existing tent, parking would be provided even though it is in a B2 zone and it is not required. Mr. Vogt had suggested a one way in and one way out and that is what we will do. There is a loading dock area off of Route 88. Mr. Steven's explained that a wing of the building will be added where the trailers are now and that will be the loading dock area.

Mr. Neiman asked if they can comply with all of the technical comments in Mr. Vogt's letter. Mr. Steven's replied that yeas they can and will.

Mr. Neiman asked if there were any questions from the Board or the public.

Mrs. Noreen Gill 192 Coventry Drive was sworn in, she asked if the loading dock would be on Rte 88, Mr. Steven's answered no.

Seeing no more questions this portion of the application was closed

Mr. Penzer stated that there was a concern about the signage and the Architect had brought in a picture of what the signs would look like on the building. The signs are larger than allowed but the applicant will be taking down an existing free standing sign and only having signage on the building.

Mr. Neiman asked Mr. Vogt to add this as a variance requested in the application.

Mr. Neiman reopened the application to the public for comment, there were none.

A motion to approve the application was made by Mr. Fink and seconded by Mr. Follman.

Roll Call Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Chairman Neiman, yes, Mr. Fink, yes, Mr. Follman, yes.

5. SP # 1764A (No Variance Requested)

Applicant: Somerset Development

Location: Route 70 & New Hampshire Avenue

Block 1248 Lot 2

Amended Site Plan to convert 144 age restricted units to 144 nonage restricted

Application # 5 SP#1764A and # 7 SD#1770 are to be tabled to the May 17th meeting. No further notice is required

A motion to move these applications was made by Mr. Schmuckler and seconded by Mr. Follman

Roll Call Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Chairman Neiman, yes, Mr. Fink, yes, Mr. Schmuckler, yes.

Mr. Jackson advised the members of the public be advised that application #5 and #7 are being moved to the May 17th meeting this meeting room. No further notice is required.

6. **SD # 1795** (Variance Requested)
Applicant: Michael Rottenberg
Location: Albert Avenue, north of Read Place
Block 827 Lot 3
Minor Subdivision & Variance for two (2) lots

Project Description

The applicant seeks minor subdivision approval to subdivide an existing 200' X 200' property totaling 40,000 square feet (0.918 acres) in area known as Lot 3 in Block 827 into two (2) new residential lots, designated as proposed Lots 3.01 and 3.02 on the subdivision plan. The site contains an existing two-story dwelling and a wood shed, both of which will remain on proposed Lot 3.02. Proposed Lot 3.01 will become a new residential building lot. Public water and sewer is not available. Therefore, private individual septic disposal systems and potable wells will be required. Proposed Lots 3.01 and 3.02 will both be 100' X 200', twenty thousand square foot (20,000 SF) lots. The proposed lot line will create a side yard variance for Lot 3.02 based on the location of the existing two-story dwelling. Curb and sidewalk does not exist along the Albert Avenue street frontage, but is proposed. The lots are situated within the R-20 Single Family Residential Zone. **We have the following comments and recommendations per testimony provided at the 3/1/11 Planning Board Plan Review Meeting and comments from our initial review letter dated February 24, 2011:** (I) **Zoning** (1) The parcels are located in the R-20 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. **Statements of fact.** (2) Per review of the Subdivision Map and the zone requirements, the following variance is requested: (a) Minimum Side Yard (proposed Lot 3.02, 5.92 feet, 10 feet required) – proposed condition. **The Board shall take action on the proposed Side Yard Setback variance. The side yard setback shall be corrected to 5.92 feet, and the aggregate setback corrected to 49.91 feet for proposed Lot 3.02.** (3) Waivers are being requested from providing curb and sidewalk along Charity Tull Avenue since it is unimproved. **The Board shall take action on the requested waivers.** (4) The applicant must address the positive and negative criteria in support of the requested variance. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Review Comments** (1) The General Notes indicate the coordinates are on an assumed datum. A vertical datum and bench mark should be provided. **The corner of the existing concrete at the driveway in front of the existing dwelling is shown as the bench mark. A vertical datum is still required.** (2) Existing improvements on proposed Lot 3.01, such as an underground oil tank which serves the existing dwelling on proposed Lot 3.02 will need to be removed. **The existing fence which encroaches onto neighboring Lot 1 must be reset onto proposed Lot 3.02.** (3) The Minor Subdivision is based on a Survey dated 2/14/10. A copy of the Survey should be provided. **The date of the Survey provided is 12/14/10. The**

Certification on the Minor Subdivision plan must be corrected accordingly. (4) The four (4) monuments shown as “set” are not in place, so the monument certification has not been signed. **Setting of the monuments will be required prior to submitting the map for signatures, should approval be granted.** (5) The NJ R.S.I.S. requires 2.5 off-street parking spaces for unspecified number of bedroom single-family dwellings. The Schedule of Bulk Requirements does address off-street parking. The existing driveway on proposed Lot 3.02 is large enough to accommodate more than the four (4) off-street parking spaces proposed. A note states that proposed Lot 3.01 will conform to requirements of RSIS upon preparation of architectural plans and submittal of plot plan. The note should be expanded to also conform to the new parking ordinance. **Statements of fact.** (6) Testimony should be provided as to whether a basement is proposed for the future dwelling on proposed Lot 3.01. If a basement is proposed, we recommend a minimum of four (4) spaces be provided. Parking shall be provided to the satisfaction of the Board. **Testimony should be provided** (7) If a basement is proposed for Lot 3.01, seasonal high water table information is required. **Testimony should be provided.** (8) The General Notes indicate water and sewer services to be provided by septic systems and private wells. Ocean County Board of Health approval will be required for the Minor Subdivision. **Statements of fact.** (9) Proposed lot numbers must be approved by the tax assessor’s office. **Statement of fact.** (10) Shade tree and utility easements are proposed along the property frontages. The proposed shade tree and utility easement areas shall be listed on a per lot basis. **The applicant’s professionals indicate the correct easement areas will be provided.** (11) Eight (8) October Glory Maple and five (5) Pin Oak shade trees are proposed for the project. Landscaping should be provided to the satisfaction of the Board. **The Board should provide recommendations to the applicant, if any.** (12) The Plan does not indicate any existing trees on the site. Testimony should be provided regarding whether there are any specimen trees located on the property. Compensatory plantings should be provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. If this subdivision is approved, the final plot plan for proposed Lot 3.01 submitted for Township review should include tree protective measures to save mature vegetation where practicable. **The applicant’s professionals indicate that testimony will be provided. The applicant’s professionals also indicate that tree locations in accordance with the current ordinance will be provided to the Township Engineer when the plot plan for proposed Lot 3.01 is submitted.** (13) Testimony should be provided on proposed storm water management. **Statement of fact.** (14) Compliance with the Map Filing Law is required. **The monuments shall be set and the Certifications completed should approval be granted.** (15) The following revisions are required to the construction details: (a) A dimension is required between the proposed curb and sidewalk along Albert Avenue. **The width of the proposed sidewalk must be increased to five feet (5’) in accordance with the latest ADA requirements.** (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following; (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District (if necessary); (c) Ocean County Board of Health (well & septic); and (d) All other required outside agency approvals.

Mr. Abraham Penzer on behalf of the applicant asked to have Mr. Lines sworn in. Mr. Glenn Lines P.E. was sworn in stating the existing house is located 5.92 feet from the proposed property line which would create a side yard setback variance for the location of the existing house, other than that the lot meets all the width and area requirements. They are 20,000 square foot lots. We can put the 15 foot setback of the new building between the two buildings which would give a total of 20 feet between buildings.

Mr. Penzer stated that all of the other comments they would meet except for the sidewalk on the unapproved street.

Mr. Neiman asked if there were any questions from the Board or the public.

Ms. Joyce Blay NJ News and Views, 1594 Crimson Road, Toms River NJ, was sworn in and asked Mr. Penzer what the nature of the use of this property would be. Mr. Penzer stated that it would be residential use.

A motion to move this application was made by Mr. Schmuckler and seconded by Mr. Follman.

Roll Call Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Chairman Neiman, yes, Mr. Fink, yes, Mr. Follman, yes, Mr. Schmuckler, yes.

7. SD # 1770 (No Variance Requested)

Applicant: North Lake Realty

Location: Frontage on Lafayette Boulevard, Thorndike Avenue &
Cedar Drive

Block 265 Lot 1

Minor Subdivision to create three (3) lots

Application # 5 SP#1764A and # 7 SD#1770 are to be tabled to the May 17th meeting. No further notice is required

A motion to move these applications was made by Mr. Schmuckler and seconded by Mr. Follman

Roll Call Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Chairman Neiman, yes, Mr. Fink, yes, Mr. Schmuckler, yes.

Mr. Jackson advised the members of the public be advised that application #5 and #7 are being moved to the May 17th meeting this meeting room. No further notice is required.

8. SD # 1786 (Variance Requested)

Applicant: S&H Builders

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

Preliminary & Final Major Subdivision to create thirteen (13) lots

Project Description

The applicant proposes to subdivide an existing property of almost four (4) acres into twelve (12) single-family residential lots and one (1) open space lot to be retained by the applicant. The proposed subdivision would create a cul-de-sac for the project, which is proposed to be called Prime Lane, upon which all lots would front. The applicant is seeking Preliminary and Final Major Subdivision approval with variances. The subject property is located on the southerly side of East County Line Road, a County Highway, in the northern portion of the Township, east from Somerset Avenue. A 5.25 foot right-of-way dedication is proposed along East County Line Road. Proposed storm water management facilities and utilities are associated with this project. An underground recharge system consisting of Stormtech Chambers is proposed for Prime Lane. Proposed sanitary sewer will connect to an existing system in East County Line Road. Proposed potable water for the subdivision will connect to an existing main on the north side of East County Line Road. Four (4) off-street parking spaces are proposed for each single-family unit. The number of bedrooms for the units is not specified on the subdivision plans. The project is also proposing curb and sidewalk throughout. **We have the following comments and recommendations per testimony provided at the 2/1/11 Planning Board Plan Review Meeting and comments from our initial review letter dated January 24, 2011:** (1) **Zoning** (1) The site is situated within the R-12, Single-Family Residential Zone District. Single-family residences are a permitted use in the zone district. **Statements of fact.** (2) Minimum Lot Area variances are required for proposed Lots 12.01-12.05 and 73.01-73.05. The proposed lot areas for the residential lots requiring variances vary from 7,508-8,195 square feet. The minimum required lot area is twelve thousand square feet (12,000 SF). **The revised plans require Minimum Lot Area variances for proposed Lots 12.01-12.05 and 73.01-73.06. The proposed lot areas requiring variances vary from 7,508-10,916 square feet. The Board shall take action on the proposed Minimum Lot Area variances.** (3) Minimum Lot Width variances are required for proposed Lots 12.01-12.05 and 73.01-73.05. The proposed lot widths for the residential lots requiring variances vary from 77.00-88.07 feet. The minimum required lot width is ninety feet (90'). **The Board shall take action on the proposed Minimum Lot Width variances.** (4) Minimum Front Yard Setback variances are required for proposed Lots 12.06 and 73.06, the lots fronting the cul-de-sac. The minimum required front yard setback is thirty feet (30') and front yard setbacks proposed are ten feet (10'). **The revised plans require Minimum Front Yard Setback variances for proposed Lots 12.06, 73.05, and 73.06, which are lots with frontage on the cul-de-sac. The front yard setbacks proposed for Lots 12.06 and 73.06 are ten feet (10'). The front yard setback proposed for Lot 73.05 is twenty feet (20'). The Board shall take action on the proposed Minimum Front Yard Setback variances.** (5) The applicant proposes to create Lot 73.07, an undeveloped 36,134 square foot parcel on the south edge of the project. While the proposed lot is conforming in area, it is landlocked because no road frontage is proposed. The

applicant intends to retain ownership of this proposed tract. We recommend some frontage be proposed for this lot for accessibility and the appropriate bulk variances, if any, be requested. **The plans have been revised to create some road frontage for proposed Lot 73.07. The proposed open space lot has been increased in area to 38,468 square feet and will be retained by the applicant. A Minimum Lot Width variance is required for this proposed lot since the lot width measured at the front setback line is less than the required ninety feet (90'). The Board shall take action on the required Minimum Lot Width variance.** (6) The applicant shall comply with recently adopted Ordinance 2010-28 which adds new Section 18-403 Developers Agreements to the UDO. **A General Note shall be added to the plans.** (7) The applicant shall comply with recently adopted Ordinance 2010-98, Protection of Trees. **A General Note shall be added to the plans.** (8) The applicant must address the positive and negative criteria in support of the requested variances. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) Review Comments (A) General (1) Curb and sidewalk is proposed throughout the development. The proposed curb along East County Line Road shall be extended to the edge of the property even though a pavement transition may have to commence within the property frontage. **The plans have been revised, but the proposed sidewalk shall be widened to five feet (5') to comply with the new ADA requirements.** (2) Testimony shall be provided by the applicant's professionals on disposal of trash and recyclables. This matter is not addressed on the subdivision plans. The Environmental Impact Statement indicates the Township will provide solid waste and recycling collection. **Confirming testimony shall be provided.** (3) A new road name, Prime Lane, has been proposed for the project. The applicant's professionals indicate the proposed road name has approval from the Township. **A copy of the approval shall be provided.** (4) The applicant's professionals indicate the proposed lot numbers have been approved by the Tax Assessor. The Final Plat shall be signed by the Lakewood Tax Assessor. **The Plat must be signed prior to filing should approval be granted.** (5) The requirements in 18-821 (Building Uniformity in Residential Developments) must be addressed. A minimum of four (4) basic house designs are required for developments consisting of between seven (7) and fifteen (15) homes. **The submission of house designs will be required prior to construction should approval be granted.** (B) Plan Review (1) Sight Triangle Easements to the County of Ocean are proposed at the intersection of proposed Prime Lane with East County Line Road. An eight foot (8') wide Sidewalk and Utility Easement is proposed across the frontage of the project because the proposed sidewalk will encroach on the proposed lots and the proposed Sight Triangle Easements will not allow for any shade trees to be planted along East County Line Road. An eight foot (8') wide Shade Tree and Utility Easement is proposed along the proposed cul-de-sac for the balance of the project. Proposed radii shall be added at the intersection for the proposed lots, sidewalk, and curb. Dimensions for the proposed sidewalk location along East County Line Road shall be added. **Corrections are still required. The proposed sidewalk must be widened to five feet (5'). The proposed Sidewalk and Utility Easements shall be dedicated to the Township.** (2) Minor corrections are required to the General Notes. **The total area value prior to subdivision**

should be checked. Cable television should be added to General Note #11.

(3) Elevations are based on 1988 North American Vertical Datum, a benchmark shall be indicated. **The benchmark shown on the Survey must be added to the plans.**

(4) Dimensions should be provided for proposed building boxes. Based on scaling of the proposed building boxes and narrative from the Storm Water Management Report, it appears the units will be approximately eighteen hundred square feet (1,800 SF) and the maximum lot coverage of twenty-five percent (25%) will be complied with. **Typical building boxes of 36' X 50' are proposed. Dimensions should be provided for proposed dwellings differing from the typical unit size.**

(5) Freshwater Wetlands points and a line are shown along the southern edge of the property. However, no transition area has been indicated. A copy of the Letter of Interpretation and the approved plan should be submitted. **The applicant's professionals indicate the NJDEP application is pending.**

(6) A three hundred foot (300') Riparian Buffer crosses proposed Lots 12.06 and 73.06 beyond the proposed cul-de-sac. No improvements, including proposed grading, encroach upon the Riparian Buffer Line. Survey data must be provided to establish the location of the Riparian Buffer Line. **Bearings and distances have been provided to establish the location of the Riparian Buffer Line. Distances along the side property lines of proposed Lots 12.06 and 73.06 to the Riparian Buffer Line must still be added.**

(7) A 5.25 foot wide dedication to the County of Ocean is being provided for road widening purposes. The proposed half width right-of-way for East County Line Road will be thirty feet (30'). Plans shall be included for the widening of East County Line Road. **Plans shall include grading, profiles, and cross sections.**

(C) **Grading**

(1) We recommend revision to the proposed grading scheme for the following reasons: (a) Failure of the proposed recharge system could result in two feet (2') of flooding in the center of the proposed project before storm water would runoff onto adjoining properties. (b) The proposed sanitary sewer is very shallow, thereby making the lateral connections shallow. Adding fill to the project and slightly shortening the cul-de-sac can alleviate the situation. **The project has been revised. Fill has been added to the design and an overflow added to the recharge system to alleviate potential flooding should failure occur. The overflow would allow storm water to pass over the edge of proposed Lot 73.06 and the open space lot, before draining to the Cabinfield Branch. Drainage easements should be proposed.**

(2) A profile has been provided for proposed Prime Lane. The proposed grading shall be designed to intersect the gutter elevation for the widening of East County Line Road. Proposed horizontal control points should be added. **The proposed grading has been designed to intersect the gutter elevation for the widening of East County Line Road. Minor design revisions are required to the profile which we can review with the applicant's engineer.**

(3) A detailed review of the grading can be completed during compliance review, if/when approved. **We recommend the applicant's engineer contact our office prior to finalizing the design should approval be granted.**

(D) **Storm Water Management**

(1) A proposed storm sewer collection system has been designed to convey storm water runoff into a proposed subsurface recharge system located under the site access road for storm water management. The proposed underground recharge system will be constructed with Stormtech Chambers. Testimony is required on the ownership of the storm water management system. Should ownership of the system be requested of the Township, the Department of

Public Works must review the project for acceptance of the proposed road and storm water management system. Otherwise, a Homeowners Association must be formed to own and maintain the road and storm water management system. **Testimony is required on the applicant's intentions for ownership of the storm water management system. Ownership of the system will also impact the dedications of drainage easements and potentially for the open space lot.** (2) Review of the Storm Water Management Report indicates the available storage for the Stormtech Chambers has been overestimated. The proposed chambers are arch type structures, therefore the volume calculations must be amended accordingly. Additional proposed chambers may be required. **Based on our review of the revised Storm Water Management Report we recommend the Board grant a de minimus exception for the proposed peak rate of runoff from the 2 Year Storm. The proposed road connection with East County Line Road is generating enough proposed runoff to preclude meeting the fifty percent (50%) reduction. Our review of the revised report also notes the available storage for the Stormtech Chambers remains overestimated. Additional proposed chambers will be required.** (3) Drywells are proposed in the rear yards of most proposed lots to recharge runoff from roof leaders. In a couple of instances yard drains are proposed where low points are being created. Runoff collected at these isolated low points will also be piped into the drywells and be recharged. The rear yards that are void of drywells are being graded to convey runoff to the proposed street which is in conflict with the Storm Water Management Report and calculations. Testimony should also be provided confirming the drywell systems will be owned and maintained by the individual lot owners. **The volume of the proposed drywells must be increased because of the volume of the Stormtech Chambers has been overestimated. Confirming testimony must be provided that the drywell systems will be owned and maintained by the individual lot owners.** (4) The Pond Hydrographs must be included in the Storm Water Management Report when the drywell designs are revised. **We recommend the applicant's engineer contact our office prior to revising the drywell designs.** (5) The Drainage Area Maps referenced in Appendix E of the Storm Water Management Report have not been provided and should be added to a revised Report. **The Drainage Area Maps have been provided. No portions of the rear half of the units on proposed Lots 73.02-73.04 should be shown as directed to the road.** (6) A Storm Water Management Operation & Maintenance Manual must be submitted per the NJ Storm Water Rule (NJAC 7:8) and Township Code. **The applicant's engineer has agreed to provide the manual as part of resolution compliance should approval be granted.** (E) **Landscaping** (1) The overall landscape design is subject to review and approval by the Board. Per our site inspection of the property, the majority of the site has been cleared. An existing treed area is located on the southern edge of the site and contains Freshwater Wetlands. The Tree Protection/Management Plan shows an inventory of individual trees ten inches (10") or larger and specimen trees that exist on-site. However, compensatory plantings have not been addressed. **Nine (9) Red Maple shade trees have been proposed in the rear of the two (2) residential lots on the end of the cul-de-sac.** (F) **Lighting** (1) Proposed lighting has been provided for the cul-de-sac area. Seven (7) pole mounted fixtures are proposed. Confirmation on the proposed height of the fixtures should be provided. According to the Lighting Summary Table, it appears the height will be fourteen feet

(14'). **Confirmation of the proposed fixture height is required.** (2) Testimony should be provided regarding street lighting on the existing East County Line Road frontage, since no new lighting is proposed. **Testimony on East County Line Road street lighting is required.** (G) **Utilities** (1) The plans state that electric, telephone, and cable to be provided underground. If gas is available, it shall be added to the list of underground utilities. **The Survey shows an existing gas line in East County Line Road. Therefore, gas shall be added to the list of underground utilities.** (H) **Signage** (1) Proposed regulatory signage has not been shown on the plans and should be added. Regulatory sign details have been provided. **Proposed regulatory signage should be added to the Improvement Plan** (I) **Environmental** (1) **Environmental Impact Statement** An Environmental Impact Statement (EIS) report was prepared and submitted for the project, and addresses environmental concerns as applicable. Freshwater Wetlands and a three hundred foot (300') Riparian Buffer have been mapped for the site. A copy of the Letter of Interpretation and the approved plan are required for subdivision approval. **The applicant's professionals indicate that NJDEP approval is pending.** (2) **Tree Management** A Tree Protection/Management Plan has been submitted. The plan identifies specimen trees. Therefore, compensatory planting must also be addressed. **Testimony should be provided on compensatory planting.** (J) **Construction Details** (1) Construction details are provided with the current design submission. However, design changes are anticipated. Therefore, we recommend that final construction details be revised as necessary during compliance review, if/when this project is approved by the Board. **Construction details will be reviewed during resolution compliance should approval be granted.** (K) **Final Plat (Major Subdivision)** (1) Survey information must be added to the Freshwater Wetlands Line and three hundred foot (300') Riparian Buffer Line. File Numbers must be added if the lines have already been approved by the NJDEP. **Survey information has been added and NJDEP approval is pending.** (2) The General Notes require corrections similar to the construction plans. **The area, approvals, and utilities must be corrected.** (3) The Sidewalk and Utility Easements proposed for the East County Line Road frontages of new Lots 12.01 and 73.01 shall be indicated as shown on the preliminary plan. Proposed survey information should be completed and easement areas provided for the individual lots. **A detail is required for the front of the project to clarify the proposed dimensions. The Sidewalk and Utility Easements should be dedicated to the Township** (4) Compliance with the Map Filing Law is required. **Statement of fact.** (5) The Final Plat will be reviewed in detail after design revisions are undertaken for the project. **The revised Final Plat requires the following corrections:** (a) **Dimensions should be completed.** (b) **Non-radial lines shall be noted.** (c) **Proposed Lot 73.07 should be listed as an "open space" lot.** (d) **The correct area for proposed Lot 73.05 is 7,517 SF.** (e) **The correct area for proposed Lot 73.02 in the Zone Requirements is 7,569 SF.** (f) **The correct widths in the Zone Requirements for proposed Lots 73.04 and 73.05 are 81.60 feet and 83.29 feet, respectively.** (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District; (c) New Jersey Department of Environmental Protection (LOI); and (d) All other required outside agency approvals. New Jersey American Water

Company will be responsible for constructing potable water and sanitary sewer facilities.

Mr. John Doyle, Esq., on behalf of the applicant. You will recall at the tech review meeting, the nature of this application, it is a single family residential sub division in an area zoned and planned. It is an area where we have 3.92 acres. The density for having such acreage, we wind up with 12 units, we are proposing 12 units. So the nature, type, and number of our use fit the plan and the zoning ordinance. What we have done is to configure the site to leave an open area, approx an acre. The engineering questions we all indicated at the tech review meeting were totally resolved. Issues arose with the nature availability and accessibility of the open space parcel and we were able to answer all of those which we open questions from the tech review in a positive sense. For that purpose let me have Mr. Flannery sworn.

Mr. Brian Flannery P. E. was sworn in stating I have 3 exhibits here. A1 is a rendered version of the map submitted and it shows the lots we are proposing going out the County Line Road and the open space area in the back. A2 is the area map, the Percal plan, that shows our property in red in the middle of the exhibit, in blue are all the properties that are either developed or under approved and underdevelopment in the surrounding area. And I've added in green the open space carter that extends between Somerset Ave and Brooke Road. A3 is an aerial exhibit showing the same thing and I've highlighted where the open space is, the existing open space lot to the West of us and the teen center. A3 was done on a winter day so I have I more recent map that we will call A4. At the tech meeting we explained that this is a development that takes into account of cluster. And there was questioning as to whether the property that we're setting aside as open space has any value, so that's the purpose of the exhibits I've given you. On A4, right behind where the teen center is, there is a designated open space lot, and what we're proposing is directly behind that. It's a cleared area, the applicant has retained an environmental consultant who was submitted to the DEP for reduction of the 300ft buffer based on the disturbance, you can see on A4 the area is clearly disturbed. The environmental consultant is very positive that the DEP will reduce that buffer. All that means is that homeowners in the future wanted to build something there would be able to because in the current situation we're able to maintain that in its current use, and it's able to be maintained in an open field where people can play and its contiguous to the other open space lot that is there as well right behind the teen center. So it is an area where there would be on availability for children to play. It's part of this wetland carter you can see on A3, the opposite side of that is where the board of education facilities are. If all of these properties were to develop in a similar fashion where there's a clustering, it would increase that open space carter, it would provide areas for people to walk and play, and I think that would be the ideal development of this area. I think the zoning board which approved the project to the West and the planning board which

approved the project to the East have started on the 2 ends and now we're working on the middle. If we look at the numbers, the average lot size that we're proposing is approx 8,300 sq ft. The open space we've provided is 3 quarters of an acre. If you divide that up between the number of lots, that's like 3,200 sq ft each that would have been added on to the lot area. So when you combine that, the average lot area is about 11,600, pretty close to the 12,000 that the ordinance says. Density wise, we're proposing the appropriate density. The ordinance actually would allow us to have more density without needing a variance. And development, context wise, I think it's proposing something that is the ultimate redevelopment of this area, it's consistent with the master plan, it's consistent with the municipal land use law. Again the property to the West went to the zoning board because they wanted more density than the ordinance allows. We're transitioning from that density to the density on the Tuscany 1 project, and we came to the planning board instead. I think when you look at all the variances were asking for, it looks like a lot because were clustering, but I think when you look at it in that context, it's not as bad as you would at first glance think it was based on the variances.

Mr. Jackson stated there was an issue with the old plan about excessive building, we've made some changes there too.

Mr. Flannery answered that's correct. The new plans that were submitted reconfigured the lot lines so that the open space has direct access to the cul-de-sac, the direct access is beyond the 300ft limit so that some equipment could be put in that area even prior to the DEP reducing the buffer width. If the DEP reduces the buffer width as indicated, the light green color area would be an area that would be developed because it's already been disturbed. And then the remainder of the area is an area which would be passive recreation.

Mr. Jackson stated a question could be whether that area would be useable for development? Would we be giving up anything? Could it be used for play area? Open space? And that's a significant change too.

Chairman Neiman asked so you're agreeing to keep that open space and there's nothing ever going to be built there? Willing to put that in the resolution?

Mr. Flannery stated yes, if the board acts favorably on this application that would be designated as open space and remain that way.

Chairman Neiman stated okay it would remain open space unless playground equipment is put there, but nothing like a clubhouse.

Mr. Banas stated I was under the opinion from the tech meeting that you couldn't put playground equipment in that area?

Mr. Jackson stated that's one of the significant changes we come to you with tonight. In addition to not having accessibility, we now have accessibility. In

addition to preserving that area, we are preserving that. And in addition the fact that there were some concerns as Brian has testified based upon the environmental expertise, and the facts, we will be able to do it. The facts are that the area has been disturbed, the aerial will show that, we have a right to continue that disturbed nature, a playground is of that similar disturbed nature.

Mr. Banas asked, tell me what the clustering is here, and does this zone provide clustering?

Mr. Flannery stated this zone does not provide clustering. The municipal land use law provides for clustering and this board has the authority from the municipal land use law to approve this application not as clustering but it would be approved by approving the bulk variances that are requested, which virtually is the same thing as cluster.

Mr. Doyle stated in other words, we propose a better zoning alternative for this particular site, because consistent with good planning and smart growth, we will not increase the density, but rather we'll meet all of the bulk requirements for each of the lots, the house will have all the appropriate setbacks, wont cover more than the lot and this area will have a designated area for open space and play that not only will benefit this site and this approval, but will catch up and connect with the whole green belt.

Mr. Flannery stated that's correct. So the board would be approving C2 variances. And C2 variances, it's the applicant's to show the benefits outweigh the detriments. And as I go through my testimony, that's what I would be listing for you. And it's a pretty simple application, we've laid the groundwork on why we came in this way and I will go through the testimony and list the benefits and the detriments.

Mr. Banas stated he would like to hear from our engineer.

Mr. Vogt stated I think what the applicant is saying is, as a result of the bulk variance, that even though it doesn't state in the UDO that you can cluster in the zone, this particular lot layout that's the end result. Their requesting smaller lot areas and the benefit to the board is that you would have the open area at the end. Their not exceeding density, if they were the planning board couldn't hear it, it would be a zoning application. So even though its not technically clustering from a zone perspective, the end result is this. I have one question actually if the board is done. Storm water management, you have underground recharge chambers in the cul-de-sac, who is going to maintain that? Is that HOA or township?

Mr. Flannery stated ideally we would like to have the township and we would make the contribution as stipulated in the ordinance.

Mr. Vogt stated if the board were to act favorably, I'd recommend the storm water design be subject to a public works review.

Mr. Flannery stated we would certainly agree to that. If you look at Terry's report on page 2 on zoning, it lists the variances that we need. Item 1 indicates that we're in the R12 and that this is a permitted use. Item 2 says minimum lot area, 12,000sq ft is what's required and the lots range from 7,508sq ft to 10,916 sq ft. As I indicated earlier, taking an average of the lot area is 8,300 sq ft, which is larger than the subdivision immediately to the West. When you take the 38,468sq ft of open space into account and divide that area between the 12 lots, we're at 11,600sq ft. so we are asking for that lot area variance on all the lots, and again that's a C2 variance where we have to show the negative and the positive criteria and the benefits, and I'll do that as a whole package because it's the same benefits and the same negative and positive criteria. Lot widths, R12 zone requires a 90ft lot width and were proposing lot widths from 77ft to 88ft. the minimum front yard setback, the ordinance requires 30 ft. Were complying with the 30ft on the majority of the lots along the cul-de-sac when you get near the bulb, were asking for a front setback variance for 10ft for the 2 that are directly opposite the bulb and 20 ft for one that's in close proximity to the bulb, those would be lots 12.06, 73.05, and 73.06.

Chairman Neiman asked you're not asking for any side yards?

Mr. Flannery stated no were not asking for relief, and not for lot coverage either. Item 5 was with respect to the open space, prior there was no access to the cul-de-sac, we've now changed that, there is access. It doesn't meet the minimum width, so technically we need a variance for lot width for the open space lot on the end because it doesn't have the 90 ft required by the ordinance. Typically, that's a criteria that relates to buildable lots, in this case the width that's there meets the access need for the development. Items 6 and 7 are developers agreement and tree protection, and we will comply with them if the board acts favorably. Item 8 is where Terry says we should address the positive and negative criteria. So when you look at the negative criteria, it's a two fold thing. You look at detriments to the public good, this particular piece of property with the application were proposing, there is no detriment to the public good. Its not on a road where people are going to drive by and see something that looks out of place. It complies with the density of the master plan. The second phase of it is, is there any detriment to the zone plan or zoning ordinance. Again were asking for relief, but relief is balanced by the open space that's provided. When you look at the positive benefits, it's a recreation area, as you can see on A2, its recreation that has logic to it. Its part of a large recreation carter, it provides housing opportunities consistent with what the master plan indicates, it provides for redevelopment of this area, which is one of the big goals in the master plan. The density that's stipulated in the ordinance accomplishes to help the demand for housing in Lakewood, and at the same time provides for recreation. What we

need to show is that it's a unique piece of property and clearly this is unique, this area between Somerset and Brooke is unique. The benefits outweigh the detriments.

Chairman Neiman stated at the tech meeting, one of questions was how are the kids going to get from the cul-de-sac to the recreation area in the back.

Mr. Flannery stated as you see on A2 and the revised plans that were submitted, the lots have been shifted so the open space lot touches the cul-de-sac. In that area where it touches, it allows for some benches and play equipment and a trail leading to the back where there would be more equipment. The remainder of the report are the technical issues and we would satisfy your engineer with respect to the technical issues.

Mr. Banas asked should the board approve the plans, what are you giving up?

Mr. Flannery stated were giving up 9/10 of an acre.

Chairman Neiman asked for questions from the board members. Seeing none he opens to the public.

Mr. Sincha Greenwald 911 Somerset Ave. was sworn in stating he is from the teen center for education opportunity. I would love to see this back park remain as open space and I am very much pleased with this application. I was very pleased that the application through Somerset got approved also. Our teenagers can use this area and I would be very happy to see it approved.

Chairman Neiman asks if there is a way to go from the open space to your center?

Mr. Greenwald stated there are no sidewalks but you can go from their open space to Somerset's open space to our place with no problem.

Mr. Banas asked if there was going to be sidewalks where would they be.

Mr. Greenwald stated there are no sidewalks planned at this time.

Chairman Neiman asks if anyone else from the public wish to be heard.

Mrs. Jerry Balwins, Governors Road was sworn in stating what were not hearing is that this is along a C1 stream, the cabin field. And at different parts, the cabin field has already been impacted negatively; here it's finally going through some open area that not is going to have an impact of possibly less than the 300ft buffer. I hope the DEP does not do this and that hopefully this board will by themselves keep that 300 ft buffer. Just because an area is "already disturbed" it's not like the disturbed area along the Metedaconk that you have the Jamesway where it's already blacktop. I guess this was maybe part of a farm or something and that's why it was disturbed. I think the logic is incorrect. The intent

is really not there. Brooke rd is that windy narrow road and its hilly, how much of this terrain is hilly?

Chairman Neiman stated it's mainly flat and it is way East of Brooke Road, its right at Somerset.

Mrs. Balwins stated okay, I think that there shouldn't be any lapse that is a 7,500sq ft lapse. I think that's too small. And overall I think that it should still stay, each lot should stay as close to the 12,000sq ft as possible. It's just going to be too tight. I think that as far away from the cabin field creek is important to try and keep that 300ft buffer. I think there should be some fine tuning. Thank you.

Mr. Schmuckler asked if you have any 4 off street parking spots per house?

Mr. Flannery says yes.

Mr. Jackson says with respect to availability and accessibility to that sight, not only do we provide 30ft frontage to get through to it, but its sufficiently flat that one could easily move in an open area across it. Also, with respect to proximity of the creek, if you look at the map, the proposed dwelling sites, closest to the cabin field creek are not as close as the house on the adjacent lot, so we are leaving an even wider area.

Chairman Neiman says yes, if you get a chance there's a street right before this called Noam Lane, take a look at that and its even closer than this and it doesn't look that bad, it actually looks nice. I hear what you're saying but I think with the open space in the back this will look like a nice project.

Mr. Banas asked on your colored rendering here, immediately to the West of the property, what are the sizes of those lots? And also what size is the next blue patch?

Mr. Jackson says I think they're about 7,000sq ft but I will point out that the boundary line that is common to the 2 properties that you point out, we propose along that line 6 lots. This development along that same line has 9 lots. And the next blue patch, this was one development by the zoning board. They are 7,800 sq ft. The average of our property will be 8,300 sq feet.

Chairman Neiman asks for any other comments from the board. Seeing none asks for motion.

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

Roll Call Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Chairman Neiman, yes, Mr. Follman, yes, Mr. Schmuckler, yes.

6. CORRESPONDENCE

7. PUBLIC PORTION

8. APPROVAL OF THE MINUTES

- Minutes from March 29, 2011 Planning Board Meeting

Moved by Mr. Follman and seconded by Mrs. Koutsouris

Roll Call Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Chairman Neiman, yes, Mr. Follman, yes.

9. APPROVAL OF BILLS

Moved by Mr. Follman and seconded by Mrs. Koutsouris

Roll Call Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Chairman Neiman, yes, Mr. Follman, yes.

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Margaret Stazko
Secretary