

## I. CERTIFICATION OF COMPLIANCE

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

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

## 2. ROLL CALL

Mr. Herzl, Mr. Franklin, Mr. Fink, Mr. Neiman, Mrs. Koutsouris, Mr. Banas, Mr. Schmuckler, Mr. Percal

## 3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

## 4. MEMORIALIZATION OF RESOLUTIONS

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

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

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

2. SP# 1903 (No variance requested)

**PLANNING BOARD MEETING  
APRIL 21, 2009  
MEETING**

**TOWNSHIP OF LAKEWOOD  
REGULAR**

**Applicant:** Seventy GSP Assoc. LLC/Garden Walk  
**Location:** Route 70, west of Garden State Parkway  
Block 1160.01 Lots 41.20 & 219  
Block 1160.10 Lot 219  
Block 1160.11 Lots 1, 2, 3 & 4  
Preliminary & final Major Site Plan -472 apartments, clubhouse, bank,  
restaurant and retail

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

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

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

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

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

4. SP # 1913 (Variance Requested)  
**Applicant:** Congregation Tefreth Menachem  
**Location:** 23 High Street, east of Route 9  
Block 782 Lot 17  
Minor Site Plan for synagogue with mikvah

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

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

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

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

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

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

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

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

Mr. Kielt said there was one change to the agenda: Item #10 SP#1778A-Woodhaven Lumber, the applicant requested it be tabled to May 5, 2009.

Motion was made by Mr. Fink, seconded by Mr. Franklin, to table the application to May 5, 2009

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

## 5. NEW BUSINESS

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

Mr. Vogt prepared a letter dated April 16, 2009 and is entered in its entirety. The applicant is seeking an amended Preliminary and Final Site Plan approval for an expansion to the existing Bais Tova School for Girls located on Oak Street. Per the June, 2005 Resolution of Approval, the applicant received Preliminary and Final Site Plan approval to construct the existing school (noted as "Phase I" in the resolution), and Preliminary Site Plan approval to construct "Phase II" of the school at a later date. As described in T&M's June 17, 2005 Planning Review letter, the original application was for a 86,791 square foot private school, off-street parking for 285 cars, stormwater facilities and landscaping. Per our review of the resolution and application submission, our review of this application is based on our understanding that the proposed addition request is an amendment to Phase I as approved for this project. Although not shown on the Site Plans, the Soil Erosion and Sediment Control plans depict schematic locations of the "Phase II School" and "Phase II pool" in the southeast portion of the property. Prior to the construction of Phase I, no improvements were made to the existing school's (primary access) Oak Street frontage, or its (secondary access) Funston Avenue frontage. Per our March 27, 2009 inspection of the site, road improvements along both frontages were made and appear to be adequate for the existing school facility. The Existing Conditions Plan depicts the existing school as having 88,828 SF in total floor area (including the basement floor). Per the current

application, the applicant is seeking an amended site plan approval to construct a three-story addition with an unfinished basement, totaling 42,854 SF to the rear of the existing school, and to reconfigure and/or improve the existing Oak Street access drive and parking facility. Per the Schedule of Bulk Requirements on Page 3 of the Site Plans, the number of parking spaces is being reduced from two hundred eighty-five (285) to two hundred fifty-nine (259). The following comments (*bold*) are in response to review of the revised submission per comments made in our original review letter dated 3/31/09: Zoning-Conflicting information is provided in the application regarding the property's current zoning. Per the Site Plans and the Zoning Map excerpt provided on Sheet 1, the property is referenced as being in an area currently zoned as R-40/20 cluster (residential). *The project is currently located in the R-40/20 Cluster Zone. This area of town was rezoned after the original approval for the school. The zoning information has been provided on the Zoning Map located on Sheet 1 and in the Schedule of Bulk Requirements provided on Sheet 3. However, corrections are needed to the provided data, such as setbacks, building coverage and height.* Per review of the UDO, Public and Private schools are a permitted use in R-40 zones, with clustering being an option under R-40 zoning. Since an (amended) approval is being sought is to expand a pre-existing school use, it is our interpretation that the amended project is likely a permitted use regardless of the existing property zoning. *Fact.* No variances or waivers are sought at this time per review of the plans and application. Testimony should be provided from the applicant's professionals as to whether any variances are necessary for approval of the amended application. *Confirming testimony required.* Review Comments-Site Plan/Circulation/Parking- As indicated previously, revisions are proposed to the existing site access drive and parking to the rear of the school to accommodate the proposed addition. The same number of parking spaces (285) will be provided as per the previously approved plan. *Revisions are proposed to the existing site access drive and parking in the rear of the school to accommodate the proposed addition. To accommodate the new addition, the existing two hundred eighty-five (285) parking spaces will be reduced to two hundred fifty-nine (259) parking spaces.* As indicated on the plans, and in accordance with Section 19-906C, the UDO requires one (1) parking space per classroom, tutor room, library, meeting room or office. Per the applicant's engineer's estimates, the existing classrooms and offices require sixty-six (66) spaces. Proposed classrooms and offices require forty-five (45) spaces, for a total estimated requirement of 111 spaces for the amended project. Although an argument could be made that 1-2 more stalls could be required for the library and lounge as depicted on the architectural plans, the 285 parking spaces proposed well exceed either interpretation of the UDO requirements. *As shown in the Schedule of Bulk requirements provided on Sheet 3, the existing school and proposed addition will require sixty-six (66) parking spaces. Phase 2 which was part of the original approval will require an additional forty-five (45) spaces. Therefore, the site will eventually require one hundred eleven (111) spaces which is well exceeded by the two hundred fifty-nine (259) spaces now proposed.* The following traffic and parking notes are included on Sheet 3 of the site plans: "The proposed facility will utilize 16 buses and the arrival of the buses and students will be staggered between the hours of 9:00 and 9:30 in the morning and the buses will leave the school between the hours of 5:00 and 7:00 in the evening". *Fact.* "The buses will enter via Funston Avenue and drop the students off at the Drop Off area". *Fact.* "On-street parking shall not be permitted for any of the streets which border the site". *The note located on the site plan has been revised to state "On-street parking shall be permitted on Oak Street only. All other streets which border the site shall not be permitted to have on-street parking."* The notes are generally consistent with the 2005 resolution with one exception – a note was to be added to the plans indicating the number of students. *The applicant's engineer has indicated that during resolution compliance for the original approval, it was agreed upon with the Planning Board Engineer that a note regarding the total number of students would not be required on the plans.* Although it appears that adequate turning movements will be provided

for the proposed access drive around the building addition, a vehicle circulation plan should be provided as confirmation. *A Vehicular Circulation Plan (Sheet 3A) has been added to the set. The bus movement shall be shown through the drop-off area.* Summary testimony regarding future bus drop-offs and pickups, and general use of the proposed site should be provided to the Board's satisfaction. *The applicant's engineer claims the bus drop-offs and pick-ups for the school shall remain the same.* As indicated in Condition "L" of the 2005 resolution, professional playground equipment and a dedicated playground area were to be provided. An "Existing Playground" is depicted on Sheet 3 (Site Plan) but not on the Existing Conditions Plan. Supporting testimony and site plan information regarding the playground and equipment must be provided. Per our site visit, construction of the playground appears to be underway. *The applicant's engineer indicates testimony regarding the playground area shall be provided at the public hearing.* As indicated in Condition "M" of the 2005 resolution, external sidewalks were to be connected to internal sidewalks within the development. Testimony should be provided from the applicant's professionals that this condition will be met with the proposed addition and improvements. *Testimony is required.* The plans should be revised to correctly depict the extent of roadway improvements installed along Oak Street. *Corrections to the existing conditions of Oak Street are still required. It is not clear whether the sidewalk along Oak Street requires extension.* The site plan depicts proposed curbing to be extended from one of the proposed parking islands along the new access drive through the proposed parking area. Testimony regarding the purpose of this curbing should be provided by the applicant's engineer. *The plans have been revised and testimony is not required.* Confirming testimony should be provided from the applicant's professionals that 2005 resolution items (#14-16) have been addressed. Regarding sight triangles required per the resolution, no sight triangle is depicted for the Funston Avenue driveway. *The applicant's engineer indicates that testimony regarding items #14-16 of the 2005 resolution and the sight triangles shall be provided at the public hearing.* Architectural- Per review of the architectural plans, they appear generally well-prepared. *A letter from James Monteforte, AIA, and supplemental architectural information regarding the building height has been submitted. The letter states how the project complies with the height requirement. Also, a plan of Existing Front Elevations has been submitted.* We recommend that color renderings of the building be provided for the Boards use at the forthcoming public hearing for the application. *Color renderings of the building are anticipated for the public hearing.* We recommend that location of air conditioning equipment should be shown. Said equipment should be adequately screened. *The location of the existing HVAC equipment has been provided on the Grading and Drainage Plan. The equipment is located along the west side of the existing school and is screened by the existing walls.* Grading- Grading information for the proposed addition, site access drive and parking revisions is provided on the Grading and Drainage Plan, and is generally acceptable. As discussed with the applicant's engineer, we recommend that the forthcoming compliance plans (if the application is approved by the Board) more clearly delineate existing vs. proposed site improvements. A final grading review will be performed during compliance review. *Fact.* Stormwater Management- Per review of the design plans and stormwater report, a minimal amount of new impervious coverage is proposed for the project amendment. The amended site plan will rely on four (4) individual existing underground recharge systems beneath site; the most significant is designated as "Trench System 3" consisting of several thousand feet of underground recharge piping. One outfall was installed as part of the current school as a "bypass" from a portion of the existing building. This outfall is being capped and the flow diverted into system 3. *Fact.* Per our review of the proposed improvements as described in the report, less than 0.25 acres of additional impervious coverage is proposed, exempting the addition from being "major development" as defined in the Township Code and in the NJ Stormwater rule. *Fact.* Information regarding the proposed roof leaders and their discharge(s) into the stormwater collection systems must be provided.

*Information regarding the proposed roof leaders and their discharges into the stormwater collection system has been added on the Grading and Drainage Plan. Per review of the revised design, final revisions are needed. Said revisions can be addressed during compliance review if/when this project is approved by the Planning Board. Per review of existing information, the proposed system appears to be adequate for stormwater management of the proposed improvements. A final stormwater review will be performed during compliance review (upon review of the above-referenced plan revisions). Fact. It is our understanding that the previous approval was granted prior to the Township adoption of its stormwater ordinance (modeled after NJAC 7:8). Confirming testimony should be provided by the applicant's engineer. The applicant's engineer indicates that the original approval date for the project was June 2005, prior to the Township adoption of its stormwater ordinance in March, 2006. Therefore, the project is "grandfathered" with respect to current State (NJAC 7:8) and Township stormwater ordinance standards.*

*Landscaping and Lighting- No new landscaping appears proposed under the amended application. Confirming testimony must be provided from the applicant's professionals. The applicant's engineer has confirmed that no new landscaping is proposed under the amended application. Two six foot (6') wide shade tree and utility easements are provided along the property's Oak Street and Bellinger Avenue frontages. The applicant's engineer has confirmed that there is an existing six foot (6') wide shade tree and utility easement along all three (3) frontages (Oak Street, Funston Avenue, and Bellinger Street) of the site. Per the Landscape and Lighting Plan (Sheet 6), additional lighting is proposed within the southern portion of the rear parking lot. Isolux lines depicted in plan view must be labeled (i.e., provide foot-candle intensities) to confirm the proposed lighting's adequacy. The Landscape and Lighting Plan has been revised and the isolux lines labeled to confirm the proposed lighting's adequacy. The 0.5 foot-candle isolux line needs to be correctly labeled. Testimony should be provided as to whether additional lighting is proposed (or necessary) in other portions of the project. The applicant's engineer indicates the current lighting on other portions of the site is adequate for the proposed use. Confirming testimony should be provided at the hearing.*

*Utilities- The plans indicate the site is served by public water and sewer. Proposed utility information must be provided regarding additional infrastructure (if any) necessary to support the proposed addition. Per the Applicant's Engineer's response letter, no additional infrastructure is necessary. The applicant must receive necessary approvals for the increased demand resulting from the proposed addition. This approval is required from New Jersey American Water Company. Construction Details- All proposed construction details must comply with applicable Township and/or applicable standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete @ 4,500 psi. Fact. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. Fact. Environmental- A Limited Environmental Impact Statement was provided for review. The author concludes that since the proposed amendment will result (primarily) in disturbance of a previously-developed area, no significant adverse environmental impacts will occur if proper construction measures are followed. Fact. To assess the site for environmental concerns, our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following data layers were reviewed to evaluate potential environmental issues associated with development of this property: Known Contaminated sites (including deed notices of contaminated areas); Bald Eagle foraging and Urban Peregrine habitat areas; and NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, and forest, grassland, and wood turtle habitat areas. Per NJDEP mapping, the site and surrounding (undeveloped) lands are mapped as potential species habitat. Again,*

since this amendment deals with development of a previously-disturbed area, no significant impacts to habitat will occur from the current proposal. Therefore, we agree with the author's conclusion. *Fact.* We recommend that all on-site materials from the proposed demolition activities be removed and disposed in accordance with applicable local and state regulations. *Fact.* Outside Agency Approvals- Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and Sewer Service; Ocean County Soil Conservation District; and All other required outside agency approvals. *Evidence of regulatory approvals shall be provided.*

Mr. Penzer Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer. Mr. Penzer marked exhibit A1- a colored rendering of the site plan; A2 – Monteforte Architectural plans of the proposed school. Mr. Penzer said Bais Tova is a beautiful school and this will have the same look and standards as the original school. Mr. Flannery said the application is for an addition to the existing school. On exhibit A1 they have indicated in the lighter blue the addition which will be in the rear of the school and it is approximately 42,000 sf. The parking lot contains 259 parking spaces and 111 is required. With reference to the review letter, They have added a note on the plans which says there will be on street parking permitted on Oak Street but no on street parking on Funston or Bellinger (which is currently unimproved). The bus drop off will continue as it is but the buses will make a slight turn around the expanded area of the building. There is a playground proposed on the northwesterly side and will be there prior to the construction of this addition. There are sidewalks and they do have sidewalks extending from the internal sidewalks to the external sidewalks and if the board feels there should be more. Mr. Banas said he would not be upset if they would allow the students to determine where the sidewalks should be constructed and then establish the sidewalks at that point. ( you see where they walk and where the grass is worn down and that is where the sidewalks should go).

Mr. Flannery continued and said Oak Street has been constructed past the Bais Tova property to the next site and there are sidewalks there. Site triangles will be filed prior to starting this project and the remainder of the items are informational until the comment about testimony being given about the lighting and Mr. Flannery said he has been out there in the evening and the lighting is satisfactory and if there was a problem Rabbi Saunders would address it. Mr. Penzer said there is one more item that they submitted to Mr. Vogt and that is the approval from the water company. They agree to the remainder of the comments in Mr. Vogt's report.

Mr. Neiman asked about the report from the Lakewood Environmental Commission and their comment about the emergency access for emergency situations and Mr. Flannery said they have safe access.

Mr. Neiman opened the microphone to the public

Jonathan Saunders, Lakewood was sworn in and said he wanted to thank Stanley Banas because when they first went for their approval in February on 2005 and they got an award for having one of the nicest buildings in New Jersey. He also wanted to thank his architect and the board for being there and understanding.

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

Motion was made by Mr. Banas, seconded by Mr. Percal, to approve the application

PLANNING BOARD MEETING  
APRIL 21, 2009  
MEETING

TOWNSHIP OF LAKEWOOD  
REGULAR

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

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

Mr. Alfieri announced that his engineer had not arrived yet and Mr. Neiman said he would be moved to the end of the agenda. Item #3 was heard next. This application was heard after #5 – SD 1659

Mr. Peters from T&M Assoc. prepared a letter dated September 12, 2008 and is entered in its entirety. The applicant is seeking a Minor Subdivision Approval to subdivide Lot 15 of Block 187.13 into two new lots which are to be known as Lots 15.01 and 15.02. An existing dwelling will be relocated to Lot 15.01. No construction is proposed on Lot 15.02 under this application. The property has frontage along Pasadena Street. The site is situated within the R-15 zoning district. The applicant is requesting the following variances: Minimum lot area for both new lots; 15,000 SF is required, where Lot 15.01 proposes 13,697 SF and Lot 15.02 proposes 13,459 SF. Minimum lot width for both new lots; 100 FT is required, where Lot 15.01 proposes 82 FT and Lot 15.02 proposes 67.7 FT. Outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District are required. Evidence of the approvals shall be provided prior to signature of the Final Plat. The applicant states in the zoning schedule three (3) off street parking spaces are required and three (3) parking spaces will be provided. Per NJ RSIS standards a single family dwelling with five bedrooms is required to provide three (3) off street parking spaces. The Board shall determine if the proposed parking spaces will be sufficient. The applicant has revised the plan to show curb and sidewalk exist along Pasadena Street. A 6' utility and shade tree easement along Pasadena Street at the property frontage is proposed to be dedicated to the Township. The applicant shall revise the plan to show the right of way width for Pasadena Street. F. Map Filing Law. The applicant shall revise the plan to show complete curve data include the radius, delta angle, length of arc, chord distance and chord bearing per section 46:23-9.11,3.d. of the Map Filing Law. Per section 46:23-9.11,3.d. of the Map Filing Law, right of way of Pasadena Street shall be identified and described on the plan. The applicant shows on the plan a length of 338.12 FT for the neighboring lot line along the Pasadena Street north to the site. The applicant shall revise the plan to show bearing for the lot line.

Mr. Slachetka from T&M Assoc. prepared a letter dated September 9, 2008 and is entered in its entirety. The applicant seeks minor subdivision and variance approvals to subdivide Lot 15, Block 187.13 into two irregular non-conforming lots. The existing and proposed use is single-family residential. The subject lot is 27,156.3 square feet in area and fronts on the north side of Pasadena Street. The property contains one single-family dwelling which will be relocated to new Lot 15.01. One new single-family residence is proposed. The site is located in the northeast portion of the Township. Zoning. The site is located in the R-15 Residential Zone. Single-family detached dwellings are a permitted use. 2. The following variances are requested: Lot Area: A minimum lot area of 15,000 square feet is required. Lot 15.01 has a proposed lot area of 13,697.2 square feet, and Lot 15.02 has a proposed lot area of 13,459.2 square feet. Lot Width: A minimum lot width of 100 feet is required and Lot 15.01 has a proposed lot width of 82 feet, and Lot 15.02 has a proposed lot width of 67.7 feet. Compliance with lot width is required at the front



yard setback. In addition, mean width shall not be less than the required lot width. It appears that the mean lot width is approximately 53 feet for each lot and must be addressed in the lot width variance. The applicant should provide testimony addressing the positive and negative criteria. The testimony should include information concerning the prevailing lot area and lot widths in the surrounding neighborhood. Review Comments. The lot will be served by public water and sewer. There is existing sidewalk along the lot frontage. Proposed street trees should be shown. Each lot must comply with the New Jersey Residential Site Improvement Standards for off-street parking. The zoning chart indicates that three off-street parking spaces will be provided for each lot. The proposal for off-street parking is sufficient for new Lot 15.02, but the number of spaces for new Lot 15.01 will be based upon the number of bedrooms in the relocated home. The dwelling must be relocated prior to the filing of the subdivision plat or a performance guarantee must be posted. The required outside agency approvals include, but are not limited to: Ocean County Planning Board; Soil Conservation District, prior to construction permits; Sewer and water utilities, prior to construction permits; and all other required approval.

Mr. Vogt said this application predated his review but gave a brief synopsis of the application.

Mr. Alfieri Esq. appeared on behalf of the applicant and said this application is to subdivide an oversized lot into 2 non conforming lots. Mr. Hopkin is the engineer for the applicant. Mr. Alfieri marked exhibit A1 which is a colored rendered version of the Minor Subdivision plan dated June 19, 2008. The property currently contains a single family home that is located on the center of the lot. Mr. Hopkin said they are moving the house off to one side to center it in one of the proposed lots and reducing the garage size from a 2 car to a 1 car. The 2 variances that are required are for lot area and lot width; on lot 15.01 the lot area is 13,697 sf where 15,000 sf is required and 82 ft of width where 100 ft. is required; on lot 15.02 the lot area is 13,459 sf and 67.7ft of width. They meet the remaining requirements and are well below on lot coverage. These are odd shaped lots and the home to be relocated is a modest sized home and the building envelope they are left with is a modest envelope. Mr. Alfieri said in terms of off street parking, they are providing 3 off street parking spaces per home and that complies with RSIS. Mr. Alfieri said this is a C2 variance and Mr. Hopkin said this can be granted because they relate specifically to this piece of property which has a unique shape and affects the dimensions in the area of the proposed lots and it is his opinion, the purposes of the MLUL would be advance by granting these variances specifically because it looks to promote the sufficient open space and recreation area which he has because it is below the building coverage; they are at 3% and 9% building coverage where 25% is allowed. Mr. Hopkin said there would be no detriment to public good because this is an already developed piece of property and the benefits outweigh the detriment because they are providing one additional housing unit here in Lakewood where land is so scarce without disturbing a previously undisturbed piece of land. Mr. Jackson asked if it would provide adequate air, light and open space and Mr. Hopkin said yes.

Mr. Vogt asked if they have any concerns with the comments in the 2 letters from T&M Assoc. and Mr. Hopkin said he did not and said statistically the proposed lots are closer to conformance than the current lot is because the proposed lots would only be 11% smaller than what is required and what they have there now is a lot that is 80% larger than what is required. Mr. Vogt also said on proposed lot 15.01 they are relocating the existing home and asked if they were going to be within 10 ft. of the easterly lot line and asked if there was any way to shift that building further towards the interior of the lot the way the architecture is and Mr. Hopkin said

they could make that 10 ft. to 15 ft. and the internal setback 10 ft. so it was agreed that it was good idea and the applicant agreed to it.

Mr. Neiman opened the microphone to the public

Tracey Tift, 1380 Pasadena Street, Lakewood was sworn in. He said one of the concerns he has is that the applicant's engineer said this is an oversized lot and he said an oversized lot and non conforming lot does not sound right because if a lot is non conforming, that means that no matter how you slice it, it is just not going to fit. He has lived in this neighborhood for about 7 years and one of the reasons he moved here is because of the open space, the roominess and it is a nice quiet neighborhood and said if they allow this to be done, there will be other neighbors with non conforming lots wanting to do the exact same thing and it will not look right. This is not the first time he is here and previously he heard that it would increase the value of everyone's home if this is done but he can't see that because the lots will be smaller and you don't get much for a smaller lot than you do for a bigger lot. Their quality of life will be affected for him and his neighbors because they will be cutting down trees and blocking sunlight to their houses and backyard. He said it would be in the board's best interest and the neighborhood not to pass this.

Mr. Neiman asked him if a lot of the lots in the area were 15,000 sf, were they bigger, are there a lot of oversized lots in that area and Mr. Tift said they are about 15,000 sf, the ones in the corner were bigger, he knows his lot and his neighbors lot goes back pretty deep. Mr. Tift also said there was testimony about housing shortages but everywhere you look they are building houses and he does not think there is a shortage of housing.

Linda Halm. 1383 Pasadena Street, Lakewood was sworn in. She thanked Mr. Neiman for moving this up because she has been here a lot; probably more than 5 times going back over 3 years when they wanted a flag lot and the board saw it for what it is, that this is too small for this neighborhood; less than 68 ft. frontage in an area that asks for 100 ft. She said her house is 90ft. and when that was built they made up for the shortage by giving them the extra length. Some of the lots are odd sized but most of the neighbors moved there because of that and this park like area and to have another house put on a lot between the houses that they have now she does not understand. She moved here from the other side of Lakewood where she lost her house to eminent domain to widen Chestnut Street and align it with Cross Street and even though she was not happy she understood that was for the greater good, She does not see this is helping anybody but one individual and if it is about housing, we have houses all over that neighborhood that have been for sale for a long time and still are and if it is about the dollar value, she thinks it will have a negative effect on the rest of the neighbors because if you ride through a neighborhood looking at real estate and you see big lawns and well spaced houses you know you are going to pay more money for those houses, but when you see them tighter together the prices come down. She is right next door she has concerns with her boundaries; she has trees that were planted 35 years ago and they are probably 80-100 ft tall and maybe they are on one side but straddled and then who gets them and the trees are important so the denuding of the property was something that she perked up about. The fact that there are no details of the house to be built, she seems it will open it up to one variance after another, one need after another to try to make everything fit to the new owners needs. She said it is by far too small and she asked to the providing of 3 parking spaces, if the garage is going from 2 to 1, how is there going to be 3 parking spaces.

Mr. Neiman said they are not creating a side yard setback with the current home now and said he understands the trees and would take that into consideration to make sure those trees stay but they will not be able to build a house outside of the envelope that is permitted; those setbacks are going to have to be adhered to. She asked if this lot will go up for sale and the new owner will have to deal with whatever the situation is and Mr. Neiman said he could not answer that question but the new home would fit into the building envelope and she said the lot width is about half of everyone else's. She said she does not think this is for anyone's benefit except one individual's.

Evgeny Matvienko, 1384 Pasadena Street, Lakewood was sworn in. He said he is across the street and is living there for about 10 years and the reason he moved into this neighborhood is because it is a quiet and he did pay top dollar for the house and it is on a nice size lot. He said he likes Mr. Kirshenbaum very much but can't see this project fitting into the neighborhood. He has a friend next door to Mr. Kirshenbaum who's house is for sale right now they are about to close and the moment they find out there is another project next door the first thing he said is it is going to depreciate the value of the house next door. This application does not make sense and it will bring more traffic and make it more of a nuisance to the neighbors. He does not see why this property has to be split. There are plenty of houses for sale in the neighborhood so he does not see any need to do this.

Mark Bakst, 1384 Alvarado Avenue, Lakewood was sworn in. He said he shares a common backyard with Mr. Kirshenbaum and he moved into the area about 4 weeks ago so he is a new resident but one thing he sees the neighborhood lacks is new houses and updated houses. Most of the house in the Raintree area are from the 1970's or so and he knows what it entails as far as upkeep and problems. Being that the nature of the area is rented out they are not as careful to take care of their property as if he was the homeowner Mr. Bakst said therefore a lot of the area is neglected because of that reason. He thinks if they can add more new homes that would add a tremendous value to the area as far as bringing in fresh people who care about their property and home and that fact weighs the most on any area. He thinks the pros outweigh the cons and even though it is his backyard he is in favor of it.

Dennis Halm, 1383 Pasadena Street, Lakewood was sworn in. He said he is next door to the applicant and said Raintree ends 2 houses over from them; they are actually part of a development called Oak Leaf Estates that was built in the late 70's and along Old County Line Road there is more rectangular lots but the rest of the development is all irregular shaped lots. His lot is approximately 26,000 sf and his concerns are he has been in front of this board before and he has expressed the same concerns; when you move into an area and it is zoned a certain way he thinks you should be able to trust that the zoning is going to stay that way. There is an increased density in other parts of town and the zones allow that; why we need increased density in Pasadena Street is difficult for him to understand. As far as the question of new housing, there is lots of other places that can be used for new housing and the complaint that most of the houses on Pasadena Street are rented is not valid-Pasadena Street is 90% home owned and if you drive down the street, it is a nice street in a nice neighborhood and all of a sudden there are going to be homes 10 feet apart and he does not think that is a plus to the neighborhood but a detriment. These lots need variances for width and it is not like the lots are going to stay at 67 ft. it goes from 67 ft. down to 30, the other one goes from 82 to 14. These are irregular shaped lots; his lot has a narrow front and a wider back and Mr. Kirshenbaum has a wider front and a narrow back and he does not think after all this time that this neighborhood needs to be rezoned and he is very concerned that if this starts and this application is given the variances that it requests, that there will be other people from the neighborhood who have lots

that will also be coming in to subdivide. As far as the construction plans that he has to move a house that has a cellar and shrinking the size of the garage; it seems like an awfully difficult project to be done for someone to bought a lot, bought a home in an area that was zoned a specific way. This is their third time in front of the board- they have been doing this for 4 years and he does not think the lot should be subdivided and it is fine the way it is and the neighborhood is fine the way it is and the people who are moving in are renovating the 30 year old houses and making them look wonderful and that is the trend that should continue. There are plenty of places in town where the density is tight and the zoning allows that but in our neighborhood the zoning does not allow that and he thinks variances would be a detriment to the neighborhood and he sincerely hopes that the board takes that into consideration and denies the application.

Avrohom Schwinder, 1388 Alvarado Avenue, Lakewood was sworn in. His lot is just under 14,000 sf. Some of his concerns about starting a trend, he thinks most of the houses in the neighborhood have the same situation with a wide frontage and a narrow rear, so the possibility of having just a deep lot to subdivide that is really slim. He moved into this neighborhood a little over a year and he has friend nearby and he likes to walk and the houses on Alvarado are very far apart and it is kind of deserted and it is not a comfortable prospect walking at night and he believes having an additional house on that street will alleviate the concerns of people walking down that street.

Mayer Goldberg, 1399 Pasadena Street, Lakewood was sworn in. He has some concerns and one of them was regarding the trees at the end of the property, He understands they do not know what to do with the trees but had this lot been oversized enough to split it into 2, then no variances would have been needed and nobody would have addressed the trees at all. As far as the worry that other lots may subdivide, there aren't that many lots in the neighborhood that are the same dimensions, they would require other variances that this one does not. He does have a problem with security and when he comes out of his house at night, it is pretty deserted and he would love to see another house on the block that would add to the security and it would enhance the real estate with a new home on the block. As far as parking is concerned, he has a lot that can fit 2 cars on it, his neighbor has a lot that fits 4 cars and if you drive by anytime, there are plenty of space to park and it should not be any concern.

Mr. Tift addressed the board again and said he had taken exception to them saying that the neighborhood is not safe. He is a law enforcement officer and he does not think adding one house to a community will make it safe. He has been living here 7 years and never had a problem and they have a community policeman that patrols the area so how is the neighborhood unsafe with a community patrol. As far as the houses being run down, he just spent over \$80,000.00 fixing his house up so there are no run down house in the area and he wanted to make that part of the record.

Mordechai Siegfried, 1386 Alvarado, Lakewood was sworn in. His house goes up to the house in question in the rear. He said most of the house in the neighborhood are 100x150 and most are not bigger than that; most conform to R15 but that is about it. Wherever there is new construction, it changes; these older house need a lot of money and that is why they are still for sale. Mr. Kirshenbaum has a big backyard and not everybody has that big backyard; he does not have that size yard and he is above the R15. He hopes this gets approved and bring better and more people to build a community.

Edward Schlesinger, 1224 County Line Road East, Lakewood was sworn in. He said he believes this will enhance the neighborhood, it will increase the value of their houses and he is very pro for this project and is looking forward to it.

Dennis Halm returned to the microphone and said as far as security on Pasadena Street when you come out of your house, it is a very narrow and small street that connects Red Oak and Alvarado and there is 4 street lights so it is not like you are walking out into a park. They are well lit. He said as far as the question about the 15,000 sf he will reiterate what he said before- those other houses on Alvarado were part of the Raintree Development and his development was built on irregular lots with a different development. His development is well lit and he does not know how having one more family on it will fix the security.

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

Mr. Alfieri said they have heard mixed comments from the neighbors but the precedent that this subdivision may set is 0 because every application is reviewed on its' own and whether the board approves this or not, the next applicant will have the burden of proof and he does not want that to sway the boards' opinion. They believe they have provided the professional testimony, not the lay opinion, to justify the approval.

Mr. Jackson said Mr. Hopkin stated the lot is non-conforming and it is less consistent with the zoning because it is by a certain percentage larger than the percentage that the new lots would be smaller. He said doesn't an oversized lot also go by another name called a conforming lot? Mr. Alfieri said a lot that has no variances is a conforming lot and Mr. Jackson asked if it would harm the zone plan to have an oversized lot. What would be the advantages to making 2 – 13,000 sf lots or 14,000 and one less vs. having one that is 15,000 sf. Mr. Alfieri said the burden is not to show advantages but they have to show the benefits outweigh the detriments under the C2 and from the testimony from the applicant's engineer, this lot isn't unusual and they are complying with the other provisions of the MLUL-open space, providing adequate housing, etc. so to look at it under that narrow viewpoint he does not think is appropriate. Mr. Jackson asked him if he had any data or specific information about the preponderance of other lots to show that there are multiple other lots in the 13,500 sf range and Mr. Alfieri said no. Mr. Jackson said Mr. Hopkin's testimony was that there are. Mr. Alfieri said some of the neighbors came up and said that they are on lots that are under 15,000 sf. but the applicant did not provide professional testimony doing an analysis of all the lots in the neighborhood. Mr. Jackson said he wishes there was an attorney here for the objectors because the question he would have for the objectors is –is the earth going to fall off its' axis if a lot is 1,500 sf deficient on 15,000? He said he thinks that is the balance the board has to strike-on the one hand, is it a big harm in having an oversized lot? On the other hand, these are only 1,500 sf short and he thinks that is the dilemma the board faces. Mr. Alfieri said under C2 that is what they have to balance that and they believe they provided adequate testimony.

Mr. Franklin said he has a problem with the whole presentation because they have testimony from the people that are against it and they have testimony from the people that are for it and we have a list of house numbers; we don't have lot and block number, we don't have a zoning map close enough to this that shows the size of the different lots so they have some comparables. All they are doing is taking people's word for what is going on and he would have an awful time voting on this because the testimony from the people who live there feel the lots are big enough and he can't tell because this lot here is the only one he sees. He thinks the presentation should have had a zoning map showing lot and blocks and the addresses should have been lot and

block numbers so the board can see when the people come up where they were located and the size of their lots. Mr. Neiman said like in other applications where they highlight in blue, or red, etc. and Mr. Franklin said that is correct; this is worthless in terms of making a decision as far as he is concerned. Mr. Neiman asked Mr. Franklin if a 1,500 sf on a 15,000 sf lot make a difference in his view and Mr. Franklin said if he saw the rest of the picture he could tell.

Mr. Banas said coupled with the statement that Mr. Franklin has made, the board has always asked for a determination of all of the surrounding buildings in that immediate zone to determine whether or not they are making new tracks or are they doing something that is common within. He said he has difficulties with this in as much as 1,500 sf is not very much but it is no longer diminimus either; however, 13,400, 13,500 in a zone that requires 15,000 sf he does have a question with that and he feels that this is not complete. Ordinarily they receive the owners of the adjacent property not with street addresses but with lot numbers and he thinks they need to see that to vote on this matter reasonably. Are they doing something that is new or are they creating a new variance in the process of approving an application of this sort. He would like to know how many lots are undersized in this immediate zone.

Mr. Akerman said he wanted to make a distinction and said there are 2 issues they have faced in the past; one of them is someone would come in and say an R10 with a 15,000 sf and they say that most of the area is R7.5 and they always require a map of the area by the technical meeting (when you want to move it down a whole zone) and here their opinion has been generally a 10% reduction in lot area as such a big deal.

Mr. Banas said he found no fault with Mr. Akerman's statements but he feels that he would like to see the rest of the lots in this zone to determine whether or not he should consider dropping the size of these lots. Mr. Banas moved they table this application until such time they get a complete listing of all the lots in the area. There were no seconds.

Mr. Schmuckler asked if such a request is legal or do they have to look at what is in front of them right now and Mr. Jackson said yes and no. It is one of the proofs that the applicant brings; the applicant has the burden of proving their case and many times that is a component of what they bring in to make their case more compelling. If the board is satisfied with the 15,000 sf or does that push them over the top or does it make them fail in having the scales of justice tipped. Is the board satisfied with the proofs or do they need more to be persuaded. It is not a requirement but it might be what the board needs to prove the case.

Mr. Franklin said it is not the 1,500 sf that bothers him, he would like to see what the 82 ft. and the 67 ft. lays out with the rest of the lots; sure you have a long tail piece that gives a lot of square footage, but what does the frontage do to you? How does that disrupt the neighbors?

Mr. Franklin then made a motion to table this project until the information is brought in and look at the other lots in the area and see what this project is going to do it; change the addresses to lot numbers. Mr. Banas seconded the motion.

Mr. Neiman said he knows this property has been in front of the board a few time. It came as a flag lot that was denied. It is in a developed area already and maybe this would help your applicant if the board could visualize what this area looks like and to see if something like this would fit into the area or not. They can make a more educated decision.

Mr. Schmuckler said if they do vote affirmative on this motion, can the board leave all the testimony on record so they can move forward and not make everybody go through this process and Mr. Jackson said the record would have to carry forward but once you take in additional evidence, the public has a right to comment on that evidence. You can limit the comments if it is repetitive.

Mr. Percal asked if they could color code the map any lots the same size or under the proposed parcel.

Motion was made and seconded to continue the application to the meeting of May 19, 2009

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

3. SP # 1905 (Variance Requested)  
Applicant: Congregation Bnei Giborei Yisroel  
Location: 1193 W. County Line Road-across from Cedar Row  
Block 27 Lot 22  
Preliminary & Final Site Plan and Change of Use Site Plan from single family home to a synagogue

Mr. Vogt prepared a letter dated March 11, 2009 and is entered in its entirety. The applicant seeks preliminary and final major site plan approval to renovate a two-story frame dwelling and construct associated site improvements at the above-referenced location. The synagogue will contain two (2) floors. A 434-square foot sanctuary is proposed. The site improvements include an off-street parking area for four (4) vehicles. The site is 0.23 acres in area and is located on the north side of County Line Road, east of Kent Road. The surrounding land uses are predominantly residential. The following comments in *(bold)* indicate the current submission's compliance with previous planning and engineering review comments per T&M Associates' December, 2008 reviews: Planning Review Comments (T&M letter dated December 30, 2008) Zoning and Variances- The parcel is located in the Single-Family (R-12) District. Places of worship are permitted in the R-12 District provided that the requirements of Section 18-905 are met as well as the R-12 District bulk standards. **Fact.** A variance is requested for lot area, a minimum of 12, 000 square feet is required and 10,218 square feet is proposed. **Fact.** Section 18-905A2 states that no parking area shall be located closer than five (5) feet to any side or rear property line. The proposed parking area is 3.62 feet from the side property line. A variance is required. **Fact.** Section 18-905B1b requires a 20-foot buffer from residential uses or districts. The applicant does not provide a 20-foot buffer from all residential uses. Therefore, a 'c' variance is required. **Fact.** Section 18-905B2 requires a board-on-board fence six (6) feet in height and four (4) foot arborvitae every four feet on center along side and rear property lines abutting the parking area unless a buffer of 20 feet is provided. Fencing and landscaping are not proposed. The plans should be revised to comply with the Ordinance or a 'c' variance is required. **Six-foot high stockade fencing and landscaping are provided on the revised plans. Landscaping shall be provided to the satisfaction of the Board.** Section 18-905B3 states that a required buffer shall be landscaped with trees, shrubs, and other suitable plantings for beautification and screening. An adequate screening of at least six (6) feet in height shall be provided to restrict view. The buffer shall be supplemented with fence of a solid material where necessary. The applicant does not

provide landscape buffering around the synagogue, and proposes to retain the chain link fence on the rear and northerly side property line. The plans should be revised to buffer the side and rear yards surrounding the synagogue, and to propose a solid type fence, or a variance is required. *Six-foot high stockade fencing and landscaping are provided on the revised plans. Landscaping shall be provided to the satisfaction of the Board.* Section 18-905C requires the front yard to be landscaped with grass, trees, shrubs, groundcover, and flowers. The plan indicates four (4) proposed trees. The plans should be revised to provide additional landscaping in accordance with the Ordinance. *Proposed front yard landscaping has been increase to provide one (1) red maple, three (3) arborvitae and three (3) inkberrys and grass areas. Landscaping shall be provided to the satisfaction of the Board.* Review Comments Per Section 18-905A1, on-site parking is not required since the sanctuary area is less than 800 square feet. *Fact.* The applicant should clarify how refuse will be handled. *Testimony is necessary* Sidewalk should be provided along the site's frontage. *Sidewalk has been added on the revised plans.* Shade trees should also be provided. *One (1) shade tree is provided. It should be noted that a large County site triangle is included on the revised plans that would preclude additional shade trees if accurate. Confirming testimony is required from the Applicant's professionals.* A six foot high board-on-board fence should be provided along the western property line to screen the parking area in accordance with 18-905.A.2. *Six-foot high stockade fencing is provided on the revised plans.* The parking space in close proximity to the shul does not allow for sufficient maneuvering room. In addition it appears that the space is designated as the handicapped parking space but is not identified as such on the site plan. *The handicap space has been delineated on the revised plans. Testimony is required from the Applicant's engineer regarding access of the space in proximity to the shul.* No landscaping is proposed for the site. The Board should decide if any landscaping should be provided. *Landscaping has been provided and is subject to Board approval.* A right-of-way easement to Ocean County is proposed. A copy of the filed deed of easement should be provided to the Township. *Fact.* Performance guarantees should be posted for all improvements, including demolition of the dwelling, in accordance with ordinance provisions. *Fact.* The required outside agency approvals may include, but are not limited to: Ocean County Planning Board; Sewer and water utilities, and, All other required outside agency approvals. *Fact.* Engineering Review Comments (T&M letter dated November 24, 2008) Zoning The applicant shall request the following variance: Minimum lot area; 10,218 SF is provided, where 12,000 SF is required. This is an existing, unchanged lot area. *Fact.* Outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District are required. Evidence of the approvals shall be made a condition of the Planning Board approval. *Fact.* The applicant has indicated that the structure will be serviced by public sewer and water but has not shown the location of the existing water main, the location of the proposed service laterals, or included any corresponding details. The applicant should address this issue. *Existing water and sewer information is provided, but proposed water service and sewer lateral(s) must still be shown.* Site Plan Review The architectural plans show a building with a 60 foot wide footprint, not including two additional exterior staircases, which are not included on the site plan. The applicant should revise the plans to show the footprint of the completed synagogue along with the existing dwelling footprint on the Site Plan and show the setback distances based on the proposed building. Any variances or modifications to the site design based on the revised building footprint should also be addressed. *This item remains outstanding.* According to the Lakewood UDO, the applicant is not required to provide off-street parking spaces as a part of this application due to the small size of the proposed sanctuary. The applicant has provided four (4) parking spaces as a part of this project, including one (1) unlabeled handicapped parking space. The Board shall determine if the number of spaces provided is adequate. *Fact.* The proposed handicapped parking space and adjacent striped area locations should be revised to provide the striped area adjacent to the building to allow the



operator of the vehicle access to the building directly. This revision will also provide an area for the vehicle using the handicapped parking space to turn around. The applicant should address this issue. *The handicap space has been delineated on the revised plans. Testimony is required from the Applicant's engineer regarding access of the space in proximity to the shul.* Per section 18-803.E. of the UDO, a minimum buffer area of twenty five (25) FT shall be provided along the property lines. It does not appear that any landscape buffering or fencing is proposed as a part of this application. The applicant shall address this issue. *Six-foot high stockade fencing and landscaping are provided on the revised plans. Landscaping shall be provided to the satisfaction of the Board.* Review of the Area Map on Sheet 1 appears to show a utility easement on northern adjacent Lots 1.04 & 1.05, but no existing piping as been shown within the utility easement situated on the western side of the property. The applicant should address this issue, and provide a copy of the Easement Agreement for review. *This item remains outstanding. Testimony is necessary.* The applicant has not included any landscaping or lighting as a part of this application. The applicant should address this issue. *Landscaping has been provided, but not lighting. A waiver should be requested if no lighting is proposed.* A note shall be added to the Improvement Plan stating that any damage to the concrete sidewalk and/or the brick pavers during construction of the proposed office building will be repaired as directed by the Township Engineer. *A note has been added to the revised plans.* The applicant has not included the Soil Erosion and Sediment Control Plan and Notes & Details sheets as a part of this application. These plans should be provided to the Ocean County Soil Conservation District for review. Evidence of approval should be provided prior to the signing of the final plans. *Fact.* The applicant has shown existing concrete curbing along the site's frontage to County Line Road and there is no existing concrete sidewalk. The applicant has not proposed concrete sidewalk along the site frontage to County Line Road. The Board should determine if concrete sidewalk should be provided. Also, a note shall be added to the Site Plan stating that any damage to the concrete curbing during construction will be repaired as directed by the Township Engineer. *Sidewalk has been provided on the revised plans.* The applicant should include additional spot elevations, proposed contours, and where proposed contours tie into existing contours for the area between the proposed structure and the right-of-way of County Line Road on the plans. *This information remains outstanding.* The applicant has included a detail of the handicapped parking sign on the Construction Details sheet but has not included the sign location on the Site Plan. The sign location and a painted handicapped parking symbol shall be added to the plans. *The revised plans contain this information.* Stormwater Report Review- The applicant should provide Existing and Proposed Drainage Area Maps. *This information remains outstanding.* The applicant has not provided any soil borings or permeability tests for the soils below the proposed drywell. The applicant shall address this issue. The elevation of seasonal high water table shall also be provided for review. *This information remains outstanding.* Per Chapter 9.5, Infiltration Basins, of the NJBMP Manual, it is required that stormwater entering a subsurface infiltration basin from paved areas shall be pretreated. The applicant shall address this issue. *This information remains outstanding.* Construction Details- The dimensions provided for the Drywell Detail on the plans do not conform to the dimensions used in the Stormwater Management Report. The applicant should address this issue. *This issue will be reviewed after receipt and review of the revised stormwater report.* The applicant has shown on the Drywell Detail that the proposed roof drains will discharge directly to the drywell. The applicant should revise the Site Plan to include this piping, which is not currently shown. *The piping runs are shown on the revised plan.*

Mr. Pfeffer Esq. appeared on behalf of the applicant. He marked exhibit S1, a letter to Kevin Kieft dated March 18<sup>th</sup> which dealt with their claim that they do not need a lot area variance. Mr. Jackson marked it as exhibit A1. Mr. Pfeffer also had attached to his letter, a zoning board

resolution that created this lot. He spoke to Chaim Abadi, who was the applicant's agent who shared the resolution and it is his position that they do not need a variance and he would like to proceed with the rest of the application.

Mr. Neiman asked Mr. Jackson his advice and Mr. Jackson said he is having trouble with what the issue is and Mr. Pfeffer said this lot was created by the resolution of the zoning board and at that time it was still R12 but a credit was given for passive recreation as part of a major subdivision and as part of the application this lot was created and a one family residence was built on it. The question is whether they need a lot area variance because the zone is R12 and the lot is under 11,000 sf. Mr. Jackson said they would need one if they were making a change of use or an expansion. Mr. Pfeffer said the building was built pursuant to the zoning board resolution and they are now changing it to a permitted use, a house of worship. Mr. Jackson said it is still a "C" variance, if they are changing the use, then they need have the "C" variance granted to continue. It is no different than what the board does regularly.

Mr. Pfeffer continued and introduced Mr. Carpenter as the engineer. Mr. Carpenter said the building is already up and there is a one family residence to the west and to the east is a synagogue. There are single family residences to the rear. With regard to the review letter, Mr. Pfeffer said the board was concerned with the parking and Mr. Carpenter said the only place they could add parking would be between the building and the sidewalk off the driveway which would add 2 additional spaces. Mr. Neiman said he thinks they should add the extra parking and Mr. Carpenter said the additional parking would be in the county site triangle easement and the county will not approve it. Mr. Neiman asked about the rear of the property and Mr. Carpenter said they proposed 3 parking space, but if he is talking about stacking the parking, they could do that and come up with 6 parking spaces but he does not think stacking is the answer. Mr. Fink said most of the people who visit that shul now live in proximity so he imagines very few if any are going to be driving to temple. Mr. Carpenter said that is his understanding also. Mr. Neiman said he recalls it is used primarily on chavas and the weekend and not really used during the week. Mr. Schmuckler said even if there is not enough spaces, they can't crowd the streets because they can't be on it so it is not bad because they don't have anyplace else to put it so they will have to walk. He does not think it will ruin the neighborhood because they only have 3 spots.

Mr. Neiman asked where they were going to put the refuse and was told it would be stored inside and be brought out to the street on collection days. Mr. Pfeffer said he received a phone call from a Binyomin Frankel who lives in the residence to the west and indicated he does not want a fence and is very happy with the status quo. Mr. Carpenter said there is county site triangle easement required for the driveway which covers about 80% of the front of the property. They have placed some landscaping and foundation planting and a shade tree easement in the easement that is available to them. They put additional landscaping in the rear and the side. With regard to the sidewalk, Mr. Pfeffer said his client feels that would be unnecessary, because it would be a sidewalk leading to nowhere and Mr. Neiman said the board will be asking for a sidewalk in front of the project. They have shown the one shade tree to the right of the site. Mr. Carpenter said they will be using the existing sewer and water service. Mr. Vogt said they are not proposing any lighting and Mr. Carpenter said it is a residential area and there will be over the door lighting but the shul is used primarily during the daylight hours so there is no need for external lighting. Mr. Carpenter said he would comply with the remaining items and the handicap parking spaces is adjacent to the site on the west and there is a proposed handicapped lift as shown on the architectural plans to lift someone into the building if they are handicapped and need access.

Mr. Banas asked how many parking space they need for the shul and Mr. Neiman said 0, since it is less than 800 sf there is no parking spaces required and they are providing 3.

Mr. Neiman said in response to the comment about the fence between the two lot; normally they would request a buffer between the 2 properties but this property is weirdly shaped and not as close as 2 normal houses and it looks like a house, it is only used on weekends and if they could get a letter over to the board engineer stating that he does not want one (a fence), Mr. Neiman would accept one for this application. Mr. Fink said as far as landscaping goes, they will have trees from the front to the back.

Mr. Herzl stepped down because of a potential conflict.

Mr. Schmuckler stated it would not look good with a fence, but the landscaping should be sufficient.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Schmuckler, seconded by Mr. Percal, to approve with the stipulations mentioned, the landscaping, the sidewalk and the affidavit in lieu of the fence.

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

4. SD # 1641 (No variance Requested)  
Applicant: Raquel Schorr  
Location: White Road @ intersection with Drake Road  
Block 251 Lot 8  
Minor Subdivision for 2 Lots

Mr. Vogt prepared a letter dated March 5, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide Block 251, Lot 8, into two residential lots. An existing dwelling and appurtenances are currently situated on proposed Lot 8.02, which will remain as depicted on the subdivision plan. No construction is proposed under this application. Proposed Lot 8.02 has frontage along White Street and proposed Lot 8.01 has frontage along White Street at its intersection with Drake Road. The proposed lots are situated within the R-40, Single Family Residential Zone. The surrounding land uses are predominantly residential. The following comments in *(bold)* indicate the current submission's compliance with previous planning and engineering review comments in our initial review letter dated January 22, 2009: Zoning- The parcel is located in the Residential (R-40) District. Single-family detached dwellings are a permitted use in the zone. **Fact.** Per review of the Subdivision Map and the R-40 Residential zone requirements, no variances are required for this application. **Fact.** Review Comments- The plans state that the lots will be residential. The applicant should verify proposed Lot 8.01 will be for single-family dwellings and not for duplexes or two-family dwellings. **Fact.** *Confirming note (#13) added to the plan.* The NJ R.S.I.S. requires 2.5 spaces for a single-family dwelling when the number of bedrooms is not specified. The existing dwelling on proposed Lot 8.02 does not specify the number of bedrooms, but has a garage and a dirt

driveway capable of accommodating at least four (4) cars. Testimony should be provided by the applicant that minimum parking for proposed Lot 8.01 will be provided in accordance with NJ R.S.I.S. standards, and to the satisfaction of the Planning Board. *Fact. Confirming note (#14) added to the plan.* The applicant should confirm that the proposed dwelling will face White Street. *Per the accompanying Development Plan, the home is depicted as facing White Street.* Neither curb nor sidewalk exist along the property frontage, nor are proposed as part of this subdivision. *Per the accompanying Development Plan, sidewalk is proposed along the property frontage.* All existing and proposed utilities should be indicated. Per review of the plan, public water and sewerage do not exist within White Street. However, public water does appear to exist immediately south of the intersection of White Street and Drake Road. *Per the Applicant's engineer's cover letter, all existing utilities are depicted on the revised plan. Note #15 on the revised plan indicates that a private well and septic service are proposed for the new lot.* A utility and shade tree easement should be provided along White Street, to be dedicated to the Township (unless relief is granted by the Board). *A utility and shade tree easement is included on the revised subdivision plan.* Note #12 on the plan indicates that "All encroachments on proposed Lot 8.02 shall be removed". Testimony is required from the applicant regarding which "encroachments" will be removed (e.g., the 1-story aluminum garage situated over the property line). *Testimony required.* It appears that the dwelling on proposed Lot 8.02 is served by an existing potable well and septic. Location of the existing septic system must be indicated on the plans. Similarly, approximate locations of the proposed well and septic system (if proposed) for proposed Lot 8.02 should be provided. *Proposed well and septic system locations are included on the accompanying Development Plan.* Locations of existing wells and septic systems (if any) on properties adjacent to the site must be provided. *Existing well and septic system locations for are included on the accompanying Development Plan.* The (approximate) dwelling and driveway locations, the limits of clearing should be indicated, the trees to be retained identified, and proposed tree protection measures should be specified on the plan. *The proposed dwelling and driveway locations, and limit of clearing are included on the accompanying Development Plan.* It appears that Soil Conservation District approval will likely be required. If so, the plans should be revised accordingly. *Per the Applicant's engineer's cover letter, acknowledged for proposed Lot 8.01.* The proposed lot numbers should be consistent with the numbers assigned by the Tax Assessor. *Per the Applicant's engineer's cover letter, acknowledged.* Compliance with the Map Filing Law is required. *Fact.* Road widening easements (if necessary) should be provided to the Township. *A 6' wide easement is provided.* Outside Agency Approvals- Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Board of Health (wells, septic for Lot 8.01) All other required outside agency approvals.

Mr. Akerman arrived

Mrs. Weinstein Esq. appeared on behalf of the applicant. She said this was a simple application and fully conforming. Mr. Stevens is the engineer for the applicant. Mrs. Weinstein said with reference to the review letter, the shed belongs to the neighbor and is encroaching onto the applicant's property and they will send the neighbor a letter stating that and it has to be removed and if they don't remove it they can negotiate an easement with them for the shed. Mr. Stevens pointed to the display that is located on the northeastern property line and it encroaches about 10 feet but said these are fairly large lots (about 1 acre) so the shed does not have an impact on the developable area of the property. There will be sidewalks in front of this property and there will be well and septic.

Mr. Neiman asked Mr. Vogt about the street dedication and Mr. Vogt said he is not sure if one is needed here but that is typically a township call and Mr. Stevens said they have provided a six foot wide easement which sometimes is helpful if they are going to run underground lines or the municipality needs some land but said again that these are large lots and it has no effect on the subdivision.

Mr. Banas asked what they are going to do with the property that is bordering both lots (the garage) and said it has to be disposed of, you can't keep it hanging. Mr. Stevens said what they are proposing as a solution to this problem is they are going to request the neighbor remove the shed and that will take an action by the neighbor to make that happen and the applicant does not want to be bound by actions by other people so if that part of the solution fails, the next thing that could be possible is an easement that would allow the garage to stay. Mr. Banas said he is not prepared to vote positively for an easement and would rather see it completely removed, shifted, or something like that and Mrs. Weinstein said the applicant would also like the same; the only problem is that it is not really in the applicant's control because it does not belong to the applicant so the applicant is working with the neighbor to get the shed removed or relocated. Mr. Banas said he understands that but the power of the planning board does have the necessary means by which it can be removed.

Mr. Jackson said he has a similar situation in Bay Head, and the board let the sleeping dog lie because it really did not have any bearing on the application. Mr. Neiman said it could take years of arguing and does not think it should hold up this application. Mr. Banas said the board is in the process of making a line delineating the property and they could go and move that XX number of degrees to the east and sell it to him and Mr. Neiman said the line is not being drawn there, it is being drawn down the middle of the property. Mr. Banas suggested the neighbor purchase that piece. Mr. Schoor was sworn in and said he did not contact the neighbor but said this is a pre existing condition that he did not create and he is asking for a fully conforming subdivision and does not want to loose land as a result of it. Mr. Fink said he would rather have Mr. Schoor work this out with his neighbor after this application is decided. Mr. Banas said his reason for making the comments was not to give him more problems but try to eliminate any problems and said he has hired a capable attorney to speak on his behalf and he is sure she can handle that type of work. Mr. Fink said his opinion is if they can't get rid of it, he would vote in the affirmative for this approval.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Herzl, seconded by Mr. Fink, to approve the subdivision

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

5. SD # 1659 (No variance Requested)  
Applicant: JG Ridge LLC  
Location: 240 & 244 Ridge Avenue, east of Negba Street  
Block 236 Lots 33 & 34  
Minor Subdivision to realign lot lines

Mr. Vogt prepared a letter dated March 6, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to relocate the lot line between Lots 33 and 34 in Block 236, resulting in two residential lots, proposed Lots 33.01 and 34.01. Multiple existing dwelling and appurtenances are currently situated on Lots 33 and 34; all existing dwellings are to be removed. Proposed Lots 33.01 and 34.01 have frontage along Ridge Avenue, each lot being proposed to contain a 2-family dwelling. The proposed lots are situated within the R-7.5 Single Family Residential Zone. The surrounding land uses are predominantly residential. The following comments in *(bold)* indicate the current submission's compliance with previous planning and engineering review comments in our initial review letter dated January 27, 2009: Zoning- The parcel is located in the Residential (R-7.5) District. Two-family and duplex housing is a permitted use in the zone. *Fact.* Per review of the Subdivision Plan and the R-7.5 Residential zone requirements, no variances are required for this application. *Fact.* Proposed Lots 33.01 and 34.01 will contain 2-family (duplex) dwellings. Therefore the minimum lot area required is 10,000 square feet. Proposed Lots 33.01 and 34.01 will contain 13,191 and 11,188 square feet, respectively. The lots comply with minimum lot size requirements. *Fact.* Review Comments- The plans include a note that "Dimensions of proposed structures are not known at this time". Manually scaling the proposed structures and calculating lot coverage yields 20.8% and 24.6% for proposed lots 33.01 and 34.01, respectively, which is in compliance. Calculations should be added to the plans demonstrating this compliance explicitly. *A note providing calculations and sizes of the structures and proposed coverage per lot is provided.* The NJ R.S.I.S. requires that single-family detached values shall apply to each unit of a duplex. The NJ R.S.I.S. requires 2.5 spaces for a single-family dwelling when the number of bedrooms is not specified. Neither proposed 2-family dwelling specifies a number of bedrooms, so the required number of spaces is five (5) for each building. Each duplex is proposed to have two separate driveways associated, with each driveway being capable of accommodating four (4) cars. Each building will have eight (8) associated parking spaces. The parking complies with R.S.I.S. standards. Board approval of parking is necessary. *Fact.* There is existing curb, sidewalk and driveways to the existing structures on both existing lots. The plan proposes to remove the existing driveway and curb cuts and provide the proposed asphalt driveways with new aprons and depressed curb. No note or allowance is provided for restoring a continuous sidewalk across the front of both proposed lots. *The revised plans show new sidewalk and proposed curbing.* All existing and proposed utilities should be indicated. Proposed utilities are depicted, but existing utility service to the existing dwellings are not. Our office notes the duplex proposed on proposed Lot 34.01 includes separate sewer connections for both sides of the duplex, whereas the duplex proposed on proposed Lot 33.01 has a single connection. We also note no proposed gas connections. *A note has been provided indicating existing utilities for Lot 33.01 will be located prior to construction. Gas services are also shown.* A utility and shade tree easement should be provided along White Street, to be dedicated to the Township (unless relief is granted by the Board). An easement appears to be provided on the Plan, but no label is provided. *The easement is labeled on the revised plan.* Proposed water and sewer service must be indicated on the plans. Public water and sewer appear available per the plans. *Proposed services are included on the revised plan.* Locations of existing wells and septic systems (if any) on properties adjacent to the site must be provided. *Per the applicant's engineer's cover letter, all adjacent lots have public water and sewer.* The limits of clearing should be indicated, the trees to be removed or retained identified, and proposed tree protection measures should be specified on the plan. *Trees to be removed are indicated on the revised plan.* The plans note that Soil Conservation District approval will be required. *Fact.* The proposed lot numbers should be consistent with the numbers assigned by the Tax Assessor. *Per the applicant's engineer's cover letter, lot numbers have been approved by the tax assessor.* Compliance with the Map Filing Law is required. *Fact.* Road widening easements (if necessary) should be provided to the

Township. *Fact.* Outside Agency Approvals- Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and sewer service (LTMUA/NJAW/other); Ocean County Soil Conservation District (if necessary); and All other required outside agency approvals.

Mr. Doyle Esq. appeared on behalf of the applicant and said they have complied with every one of the comments raised by the engineer in their resubmission. The existing dwellings will both be knocked down and both have present non conformities and they will build 2 structures that will conform, the 2 lots will be more rectangularly shaped and will exceed the requirements by 10 and 30%. The duplexes will provide sufficient parking spaces under the RSIS standards, they will put in sidewalks and have met every one of the conditions. Mr. Surmonte is the engineer for the applicant and Mr. Neiman asked if they were going to have 5 parking spaces for each structure and Mr. Doyle stated they would have 8 spaces per building. Mr. Surmonte concurred with Mr. Doyle and said they will correct the non conformities and eliminate those.

Mr. Banas asked how many trees are they going to destroy in the process and Mr. Surmonte said about 21 and Mr. Banas asked how many were going to remain and Mr. Surmonte said 2. Mr. Banas asked if he remembered the reaction of the people on Route 9 when it came to denuding a piece of property (Sherwood Forest?) and Mr. Surmonte said he did not hear of that. Mr. Banas said they were in the position to receive the complaints and the negative statements about building a structure and denude the property. He said they are in essence denuding all of the property. Mr. Banas said he realizes there are only 2 lots here but they are still denuding. Mr. Banas continued and asked how many bedrooms are in each one of the units and Mr. Doyle said that is yet to be determined. Mr. Banas asked how many bedrooms will be in each unit and Mr. Doyle said he did not know but will provide sufficient parking pursuant to RSIS standards. Mr. Doyle said they received a report from the Lakewood Environmental Commission which states they have no objection to the application. Mr., Banas asked if the board received a set of drawings from the applicant and Mr. Doyle said they provided whatever copies were required and the application was deemed complete. Mr. Kielt said architectural plans are not required unless it is a flag lot. Mr. Banas asked how will the board determine how many parking spaces are necessary and how can they do that with knowing how many bedrooms. Mr. Vogt said there is a footprint provided but no information on the number of bedrooms but this application complies with RSIS. Mr. Neiman said he is fine with the 8 parking spaces per unit but said he is also concerned with the clearing of the trees. He said there has to be some kind of tree saving plan or replanting of trees in the back and agreed with Mr. Banas. He thinks in the front of the homes there can be some they can save and also in the back, and possibly planting more in the backs of the homes. Mr. Doyle said the 3 trees on the westerly side can be saved, the 2 trees to the rear of that proposed dwelling may also be able to be saved and said for street trees he would suggest that they plant because there is existing sidewalk to be replaced, driveways to be put in but if they could put in the appropriate number of street trees. Mr. Neiman said they can also put some in the back of the property and Mr. Doyle said that would be fine and would work it out with Mr. Vogt. Mr. Banas said he sees more trees that can be saved; on Lot 34.01 there is one tree next to the 75 ft. marker that he feels is within saving possibility; just north of that it is marked as an 18" tree and that is a possibility; on the property at Lot 33.01 they have 2 trees just north of the parking lot that can be saved other than the 2 that the applicant mentioned in the rear of that property as well as the 3 to the west of that property.

Mr. Fink said he would propose that the applicant's engineer work with Mr. Vogt and replace the trees taken down and save what they can and agreed with Mr. Neiman that there is plenty of room in the back and sides to replant and what he would like to hear from the applicant is they

will work with the professional and come up with something. Mr. Vogt said the best way of handling this is individual lot grading plans because part of the problem is you have plans in front of you that show envelopes and they do not know what the final architecture is going to be or within the setbacks if the building is going to be moved up or back and what the grades are. He asked if they would agree to giving detailed lot grading plans that they can look at. Mr. Neiman asked Mr. Vogt if there were any municipalities that had laws for replanting a certain percentage of what they took down and Mr. Doyle said he is aware of some municipalities that have ordinances such as that and therefore there is a uniform application to every applicant that comes in front of the board as opposed to taking this particular applicant and saying that even though he has a conforming application and removing houses that are in violation and replacing them with conforming ones. They will say that whatever trees are not in the building envelope or the driveway and are savable and on their property and to whatever degree they can't save them consistent with what Terry suggested with the topo plans on a 1 for 2 ratio they would be pleased to work with him to provide satisfaction to the board. He suggested that if this is the planning board's thinking on this application, then it should be a universal application and maybe they should recommend an ordinance. Mr. Neiman asked Mr. Vogt if there is such an ordinance and Mr. Vogt said there is a tree protection ordinance but that does not pertain to minor subdivisions. He said you can apply the formula but it is not something that can be looked at. Mr. Banas said at their last Master Plan Review, they indicated that they needed a tree save ordinance and they did recommend to the municipality and gave specific instructions as to what they felt as a board and this would eliminate some of this. Mr. Jackson found something in the ordinances but it did not pertain to this, only specimen trees.

Mr. Schmuckler asked Mr. Doyle how many trees he is proposing to leave either by saving or replanting and Mr. Doyle said if he understood the numbers right, they would preserve and/or add 11 trees. Mr. Schmuckler said let the board vote on that and move on. Mr. Neiman said at the end of the day, there should be 11 trees on this property whether they be 6 old 5 new, 10 old 1 new, as long as they are living trees.

Mr. Vogt said speaking with Mr. Kielt, they talked about having the lot grading plan as a condition of approval. According to township procedures, Mr. Kielt said it would work better at the plot plan stage because then they will know what the architecture is. That would also include the grading; it would be required at the plot plan stage.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Schmuckler, seconded by Mr. Herzl, to approve the application with 11 living trees.

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

Mr. Neiman announced that application #2 on the agenda for SD 1636 would be heard next since there are objectors that have come numerous times to hear this application.



PLANNING BOARD MEETING  
 APRIL 21, 2009  
 MEETING

TOWNSHIP OF LAKEWOOD  
 REGULAR

6. SP # 1900A (Variance Requested)  
Applicant: Primax Properties/Advance Auto Parts  
Location: River Avenue (Route 9), north of Locust Street  
 Block 534 Lots 8 & 10  
 Preliminary and Final Site Plan for auto parts store

Mr. Neiman announced that Mr. Fink left the meeting.

Mr. Vogt prepared a letter dated March 9, 2009 and is entered in its entirety. The applicant is seeking Preliminary and Final Site Plan approval. The applicant proposes to construct a 6,124 SF auto parts retail building with a total of thirty (30) parking spaces at the above-referenced location. Access to the proposed development will be provided by a driveway from River Avenue (Route 9). The tract consists of two lots that total 1.14 acres in area, and contains a vacant 2-story office building, a septic system, asphalt paving, oil tank, an aluminum shed and appurtenances. The existing building will be demolished and all appurtenances removed. The property is located in the southern portion of the Township on the west side of River Avenue (Route 9), several hundred feet north of Route 70 and the Toms River Township border. The majority of the adjacent and surrounding properties are developed and in use as retail businesses, consistent with the zoning. The adjacent two (2) sites to the north contain abandoned buildings. There is an "84 Lumber" facility abutting the rear of both lots. This project was subject to concept reviews by the Board and prior professionals in 2008, most recently at the February 3, 2009 Planning Board meeting. The following comments in *(bold)* indicate the current submission's compliance with previous planning and engineering review comments in our initial review letter dated January 27, 2009: Zoning The site is situated within the HD-7, Highway Development Zone. Per subsection H(1)b of the UDO, under "permitted uses" in the HD-7 zone cites "Retail business establishments *such as but not limited to...*", then lists seven retail types not including auto parts sales. *Testimony will be provided from the applicant's professionals documenting the proposed use as permitted within the HD-7 zone, including a brief description of how and when the facility will operate.*

Per review of the site plans and application, the following variances are requested:

<u>Standard</u>	<u>Required</u>	<u>Proposed</u>	
Front Yard Setback	150 ft	75.67 ft	
Rear Yard Setback	50 ft	13.33 ft	
Accessory Side yard Setback		25 ft	30 ft
Parking within 150 ft of front	(53.50 feet)		
<b>(Signage Variances)</b>			
Identification sign setback	15 ft	7.5 ft	
Identification Sign Area	75 sf allowed	108 sf	
Free standing sign height	20 ft	35 sf	
Building mounted sign in addition to freestanding	(both not permitted)		
Building mounted sign size	60 ft	100 sf	
Wall sign mounted height	top of parapet	1.33 ft over	

Any and all other variances deemed necessary by the Board. The positive and negative criteria should be addressed. *Testimony will be provided from the applicant's professionals in an attempt to justify all of the above referenced variance requests.* Per review of the site plans and

application, the following design waivers are requested: Minimum 25 foot buffer from the property line to the proposed use (Subsection 18-803E2A). Any and all other variances deemed necessary by the Board. Review Comments- Site Plan/Circulation/Parking No survey plan is provided. Existing conditions are provided on Sheet C4, which is signed by a PE. The revised plans should contain a survey of existing conditions signed by a Professional Land Surveyor (PLS). *A survey has been provided.* Per note #22 on sheet C1 of the plans, the lots will be consolidated by deed. *Fact.* As indicated in the site plans, access is proposed via a 35 foot wide entrance off of Route 9, leading to two (2) sets of parking spaces (30 total). Twelve of the spaces will be located in front of the proposed building (including two (2) handicap accessible spaces), and eighteen spaces are proposed along the northerly side of the building. Other than the two handicap accessible spaces, proposed parking nearest to the building will be 10' x 20' in size. Remaining spaces on the row nearest to the northerly property line will be 9' x 18' in size. As indicated previously, a variance is requested for parking proposed within 150 feet of the front of the property. *Fact.* A trash enclosure is proposed at the end of the drive aisle along the side parking spaces, near the rear corner of the building. Testimony is required regarding when the dumpster will be emptied. As discussed at the October 7, 2008 hearing, the waste receptacle area should be designed in accordance with section 18-809.E. of the UDO. *The trash enclosure appears to be in conformance with UDO requirements (pending DPW approval).* A retention basin is proposed in the rear of existing Lot 8, which will be accessible from the access drive proposed along the north side of the building. *Fact.* The Dimensional plan (C5) shows a 57' wide "Proposed Desired Typical Section" width of 57 feet from the centerline of Route 9 to the edge of the access drive proposed behind the front parking spaces. There is a 24' wide distance between the front yard property line and the edge of the proposed access drive. The applicant's professionals must provide information and testimony regarding any future widening plans and/or property acquisition along Route 9, and potential impacts (if any) to the proposed front parking and access area. *Per the Applicant's engineer's 2/18/09 cover letter, no widening in this area is contemplated at this time.* A 20' x 21' loading area is delineated along the northerly side of the building, abutting an overhead door leading into the rear. *Testimony will be provided to document the adequacy of the proposed loading area for facility operations.* Vehicular circulation plans must be provided to confirm accessibility for delivery, emergency and trash pickup vehicles that will need to access the site. *Vehicular circulation plans have been provided, based on a WB-50 turning radius.* Curb and sidewalk along the property's Route 9 frontage were recommended at the October, 2008 Planning Board hearing. Only curbing is proposed on the site plans at this time. *Sidewalk is now proposed along Route 9.* Architectural- A partial architectural plan set was submitted for review. Per review of submitted plans, the building will be approximately 20 feet in height, and will house predominantly retail floor space, with office and employee changing areas near the front, and restrooms to the rear. A small room to be added to the rear of the main building appears to be a storage and general automotive storage area. *Fact.* The applicant's professionals should provide testimony regard 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. *A Floor Plan and Elevations has been provided. Testimony to be provided at public hearing.* Testimony should be provided as to whether any roof-mounted HVAC equipment is proposed. If so, said equipment should be adequately screened. *Testimony to be provided at public hearing.* Grading- A detailed grading plan is provided on Sheet 6. Consistent with existing topography, proposed grading will generally slope from the Route 9 frontage towards the rear of the property (with the exception of the building pad and front parking which will be elevated to drain away from the building. *Fact.* As indicated previously, a retention basin is proposed in the rear of the site, and will be six (6) feet deep on average. A segmented wall retaining system is proposed within the interior of the basin. *Fact.* Per review of the current grading plan, it is generally acceptable with the exception

of some of the basin retaining walls as depicted. Additional spot elevations within both parking areas, and along the rear of the building must be provided on the final plans. *Grading revisions have been provided as requested, and are adequate.* If this plan is approved, a submittal and calculations for the selected segmented wall system must be provided prior to construction of the interior basin wall. *Per the Applicant's engineer's cover letter, calculations will be provided.*

**Stormwater Management-** As indicated previously, a retention basin, six feet deep, on average is proposed in the rear of Lot 8 for stormwater management purposes. The top of the proposed basin will be 121 feet as depicted on the plans. A six foot high chain link fence is proposed around the basin as depicted on the plans and details. *Fact.* Per the basin routing calculations provided in the stormwater management report, the 100 year storm water surface elevation in the basin will be 119.47 feet, approximately 1-1/2 feet below the top of wall. *Fact.* As currently designed, the stormwater piping that will convey flow into the basin will also act as an emergency overflow that would drain stormwater out to Route 9 in extreme events. The terminal inlet proposed within Route 9, as described in the report, would act as a relief and drain overflow water back into Route 9. *NJDOT review and approval of this outflow system must be obtained. Per the Applicant's engineer's cover letter, NJDOT approval is pending.* The submitted report is incomplete, pending submission of soils data reportedly being performed by Craig Testing. A final review of the stormwater design will be performed upon receipt and review of forthcoming soils information, which should include information on soil lithology, percolation rates, and depth to seasonal high water table (SHWT). *A detailed geotechnical report has been provided within the revised Stormwater Report, and is well-prepared. Per the report, seasonal high water table is over 10 feet below grade, and soils percolation rates in the vicinity of the proposed basin exceed 20 inches per minute. Per review of the revised design information, the basin will function adequately if properly constructed and maintained. Construction notes on Sheet C6 must be followed during basin construction. Care will be required during basin construction to avoid compaction of the underlying soils.* A stormwater maintenance manual will be required in accordance with NJ Stormwater Rule (NJAC 7:8) and Township standards. *Per the Applicant's engineer's cover letter, a Stormwater maintenance manual will be provided. Testimony should be provided regarding the party responsible for basin maintenance. As indicated above, proper long-term maintenance of the basin is necessary for it to function as designed.*

**Landscaping** As indicated previously, a waiver is sought from providing a minimum 25 foot buffer from the property line to the proposed use. At the October 7, 2008 hearing, foundation plantings were recommended along the north side of the building. Said plantings are proposed along the north side of the parking area, which abuts the north side of the building. *Fact.* No landscape screening is provided to the rear of the building. While we recognize that the adjacent use (84 Lumber) is not visually-sensitive, additional screening should be considered in the event that the use of the adjacent site changes in the future. *As indicated on the revised Landscape Plan (Sheet C8), supplemental landscaping, including a Norway Spruce buffer has been added near the rear property line as requested.* The overall landscape design is subject to review and approval by the Board. *Fact.* The applicant has provided a six (6) foot shade tree easement along the property frontage, and a site triangle easement for the proposed site access. The applicant should provide legal descriptions and easement language for review. The easements shall be filed as a condition of approval. *Per the Applicant's engineer's cover letter, the Applicant agrees to this condition.*

**Lighting-** A detailed lighting design is provided on Sheet C7 of the plans. Per review of the isometric data, the design appears to adequately illuminate the proposed use while minimizing spillover onto adjacent sites. *Fact.* Minor design adjustments/shielding appear necessary to reduce minor spillover north of the site. Otherwise, the current design appears adequate. *Lighting adjustments have been made to the revised plans as depicted on Sheet C7.*

**Utilities-** Sheet C6 of the site plans depict a water main present within the westerly Right of Way of Route 9, but no sewerage. All existing and proposed water and sewer

utility information must be provided on the revised plans. *A Site Utilities Plan (Sheet U-1) has been provided which depicts existing and proposed utilities for the proposed use, including water, sewerage, gas and electric. Off-site water and sewer services are proposed "by others". Local sewerage appears available within Locust Street.* Note #26, Sheet C-1 of the plans indicates that public water and sewer services will be provided by the NJ American Water Company. *Fact.* Signage No signage information is provided other than a detail for building mounted signage on Sheet A6 of the architectural plans. *A full signage package for free-standing and building-mounted signs identified on the site plans (requiring relief by the Board) must be provided for review and approval as part of the site plan application. Sign details have been provided with the revised submission. Details for all signage approved by the Board must be included with the plans submitted for compliance review (if Board approval is granted).* .All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with Township ordinance. *Fact.* Environmental -Site Description- Per review of the site plans, aerial photography and a site inspection of the property, the site and surrounding areas are predominantly developed within the exception of an "L-shaped" portion of wooded vegetation that begins in the undeveloped rear portion of Lot 8 and extends northerly into portions of Lots 7 and 20. Per our 1/26/09 inspection of the site, this area contains deciduous trees with intermittent pines, and minimal understory growth. Several small stick nests were observed, but no other signs of wildlife were observed. *Fact.* Environmental Impact Statement- This application received a waiver from submission of an Environmental Impact Statement; contingent upon comments (if any) received from the Environmental and Shade Tree Commissions. *Fact.* To assess the site for environmental concerns, our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following data layers were reviewed to evaluate potential environmental issues associated with development of this property: Known Contaminated sites (including deed notices of contaminated areas); Bald Eagle foraging and Urban Peregrine habitat areas; and NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, forest, grassland and wood turtle habitat areas. Per NJDEP mapping, the wooded area is mapped as potential state-threatened species habitat. While this wooded area is not likely "critical" habitat due to surrounding development, we recommend that the applicant retain a qualified consultant to investigate the site habitat based on NJDEP natural heritage database information and provide a summary report of findings. *The Applicant has requested relief from this recommendation.* Tree Management Plan This application received a waiver from submission of a Tree Management Plan, contingent upon comments (if any) received from the Environmental and Shade Tree Commissions. *Fact.* It should be noted that mature trees depicted on the plans and located south of the existing building will be preserved. *Fact.* The applicant must also comply with the requirements for tree protection and removal as applicable on the site. *Fact.* Phase I/AOC's If existing, a Phase I study should be provided to address potential areas of environmental concern (AOC's), if any within the site. At a minimum, we recommend that all existing debris and construction materials from demolition activities be removed and/or remediated in accordance with State and local standards. *A phase I study has been provided for review and is generally well-prepared.* Construction Details Construction details are provided on Sheet C-2 and C-3 of the plans. Details include a Typical Pavement Section for the parking and parking aisle areas described as "Subject to Geotech Report". *Fact.* All proposed construction details must be revised to comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). *Per the Applicant's engineer's cover letter, all details will comply with applicable Township and/or NJDOT standards.* Performance guarantees should be posted for any required

improvements in accordance with Ordinance provisions. *Per the Applicant's engineer's cover letter, the Applicant agrees to this condition.* Outside Agency Approvals- Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board (*approval granted December 17, 2008*); Water and Sewer service (NJAW); Ocean County Soil Conservation District (*approval granted December 30, 2008*); NJDOT (access permit and stormwater management review); and All other required outside agency approvals.

Mr. York Esq. appeared on behalf of the applicant. There have been changes in the variances for the application and said the identification area for the signs said 75 ft. allowed 108 ft. proposed- they have amended that to 75 sf. so there is no variance for that. The free standing sign height; 20 ft. is permitted and they have reduced it so that it is 20 ft. so that variance is gone.

Mrs. Carolyn Feigin is the engineer for the applicant. She said there was an office building on one lot (the Suburban Agency) and the applicant is proposing to construct a 6,124 sf retail building and the use will be an Advanced Auto Parts store. There will be no auto repairs but a retail store. They are asking for a front yard variance-75 ft. proposed, 150 ft. required but said there is no additional land to purchase to eliminate that variance and the surrounding properties are developed. With regard to rear yard setback 50 ft. is required and they are proposing 13.33 ft. but that is where the shortest part of the setback and located in front of the 854 Lumber building, the rest of the lot does greater than 50 ft. and directly behind it is the lumber yard. The sideyard to the basin is 25 ft. and should be 30 ft. The parking is not permitted within 150 ft. and they are parking within 53.5 ft. but that satisfies the state requirement and they are out of the DTS and will have no negative impact on any future development of the highway. As far as the sign setback-15 ft. is required and 7.5 ft is proposed and that is because of the location of the driveway and the parking. The building mounted sign proposed in 100 ft. where 60 ft. is allowed and that is based on the design of the building and the location of the sign on the building and the building is setback is 75 ft. They are seeking a design waiver on the buffer because of the location on the rear but they are proposing landscaping there. The circulation is satisfactory and will meet all the requirements of the ordinance. The trash enclosure will be serviced on a regular basis by private carrier and drainage will be handled by a stormwater management basin at the rear of the site that will completely store all storm events and it will drain out through natural infiltration. There is an emergency connection to an inlet on Route 9 in case anything should ever get overflowed. The loading area is sufficient for this type of operation and is located on the side of the building and they have prepared a truck turning radius plan that shows that a vehicle will be able to get in and out of there and they anticipate no deliveries during business hours so the parking lot will be open.

Mr. Neiman wanted to talk about the parking and the ingress and egress and if there was enough time to make a left turn out or into that lot. Mrs. Feigin said it is her opinion they will be able to have a full access, they have gone to NJDOT and the permit is pending but they have no issues with full access at the driveway. There is a traffic light at Locust Street and also one at the shopping center and with the gaps in between they think somebody will be able make the turn safely. The architectural have been submitted and the building will be an earthtone color. The applicant will comply with all the requirements of grading and stormwater management as set forth in the engineer's letter and Mrs. Feigin said they agree to everything and the only thing they need to submit is a maintenance plan.

Mr. Neiman wanted to comment on the Lakewood Environmental Commission letter. He said they recommended the applicant maintain the front yard setback and asked if the parking will be in the setback and was told yes. Mr. York showed Mr. Neiman where the setback is (150 ft) and

said if they followed the setback they would not have a building. The letter also said the applicant should provide an environmental study to determine if there is any underground tanks and he asked Mr. Krupnick if he buried anything under there and Mr. Krupnick said only money. Mrs. Feigin said from the center of Route 9 to the front of the parking lot there is 53.5 ft. Mr. Neiman asked Mr. Banas if they allowed parking in the setback and Mr. Banas said yes but asked Mr. York if they are outside the state requirements. Mrs. Feigin said from the building to the property line is 75 ft. and then to the center of Route 9 is another 30 ft. or so.

Mr. Vogt said part of the application submission was a phase I study by Site Tech consulting and it is his understanding that the applicant is doing the regular due diligence on the property and they will comply with NJDEP standards and Mr. York said yes they are and when they had the first meeting they asked for a copy of the phase I and it was submitted. Mr. Neiman asked why they would suspect underground tanks on this property and Mr. York said when you have a major corporation buying a local piece of property they expect everybody put a tank someplace and they spend the money to make sure there isn't.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

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

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

7 SD # 1662 (Variance Requested)  
Applicant: Jonathan Rubin  
Location: 1120 Lexington Avenue @ sw corner of Carey Street  
Block 111 Lot 4  
Minor Subdivision for 2 Lots

Mr. Vogt prepared a letter dated March 6, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide Block 111, Lot 4, into two residential lots. An existing dwelling and appurtenances are currently situated on the existing lot, and are marked "to be razed" on the submitted plan. No construction is proposed under this application. Proposed Lot 4.02 has frontage along Lexington Avenue and proposed Lot 4.01 has frontage along Lexington Avenue at its intersection with Carey Street. The proposed lots are situated within the R-10, Single Family Residential Zone. The surrounding land uses are predominantly residential. The following comments in (*bold*) indicate the current submission's compliance with previous planning and engineering review comments in our initial review letter dated January 28, 2009: Zoning-The parcel is located in the Residential (R-10) District. Single-family detached dwellings are a permitted use in the zone. **Fact.** A single variance is requested for proposed Lot 4.02 being undersized, being proposed at 9,690.3 square feet where the ordinance calls for 10,000 square feet. A variance is required. Testimony is required from the applicant's professionals justifying the variance request. **Fact.** Review Comments- The plan states that the lots will be residential. The applicant should verify proposed Lots 4.01 and 4.02 will be for single-family dwellings and not for duplexes or two-family dwellings. **A note (#1) has been added to the revised plan, indicating that the lots will be developed as single-family dwellings.** The NJ R.S.I.S. requires 2.5 spaces for a single-family dwelling when the number of bedrooms is not specified. No specific

data for single-family dwellings is provided. As noted above, the applicant shall confirm that single family detached dwellings are proposed on the two lots to determine adequacy of the parking. Per the plan, 3 parking spaces are proposed per proposed lot. Board approval of parking is required. *Fact.* The applicant shall provide testimony as to the plans for installation of driveway aprons and replacement of any disturbed curb and sidewalk associated with the project. *Two notes (#2,3) has been added to the revised plan, indicating that driveway aprons are proposed, and curb and sidewalk will be replaced as necessary.* All existing and proposed utilities should be indicated. Per review of the plan, public water and sewer appear available within Carey Street and Lexington Avenue. Existing and proposed conditions, connections and details must be shown on the plans. *Proposed water and sewer connections are shown on the revised plan.* Locations of existing wells and septic systems (if any) on properties adjacent to the site must be provided. *A note (#4) has been added to the revised plan, indicating that no wells or septic systems exist on adjoining lots.* A shade tree easement has been provided along the property frontage on Carey Street and Lexington Avenue. *Fact.* It appears that Soil Conservation District approval will likely be required. If so, the plans should be revised accordingly. *Fact.* The proposed lot numbers should be consistent with the numbers assigned by the Tax Assessor. *Fact.* Compliance with the Map Filing Law is required. *Fact.* Road widening easements (if necessary) should be provided to the Township. *Fact.* Outside Agency Approvals- Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Soil Conservation District (if necessary); and All other required outside agency approvals.

Mr. Lines appeared on behalf of the applicant and said the corner lot will be a conforming 10,000 sf lot and the interior lot that fronts on Lexington Avenue will be a 9,690 + lot and they are proposing single family dwellings on each lot. Mr. Neiman asked how many off street parking spaces they are providing for each lot and Mr. Lines said they do not have houses to go on the lots but they can provide at least 3 spaces. The parking will be addresses when they submit their grading and plot plan to the Township Engineer and they will replace any sidewalks that are broken. They agree to all the comments in the professional's report. Mr. Lines said there are 60 lots on the adjoining 4 blocks and 30 of the lots on those blocks are undersized.

Mr. Franklin said this plan is what they wanted, to show the addresses and the Lot and Block numbers.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

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

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

8. SD # 1663 (Variance Requested)  
Applicant: Aaron Bauman  
Location: 929 Woodland Drive, between Hillridge Pl. & Carasaljo Ct.  
Block 12.05 Lot 9.01  
Minor Subdivision to create 2 Lots

Mr. Vogt prepared a letter dated April 16, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide Lot 9.01 in Block 12.05, into two undersized residential lots. An existing dwelling is currently situated on-site which will be removed as a part of this project. No construction is proposed under this application. Proposed Lots 9.03 and 9.04 have frontage along Woodland Drive. The proposed lots are situated within the R-12, Single Family Residential Zone. The surrounding land uses are predominantly residential. We have the following comments and recommendations: Zoning- The parcels are located in the R-12 Residential District. Single-family detached dwellings are a permitted use in the zone. *Fact.* Per review of the Subdivision Map and the zone requirements, two variances are requested for each lot in this application: A variance for minimum lot area, proposing 9,070 and 8,198 square feet for proposed Lots 9.03 and 9.04 respectively, where the zoning requires 12,000 square feet. A variance is required for each proposed lot. A variance for lot width proposing 75 feet on each lot where 90 feet is required. A variance is required for each proposed lot. The applicant must address the positive and negative criteria in support of the requested variances. *Testimony shall be provided for the requested variances.* Review Comments- The plans state that the lots will be residential. The applicant should verify proposed Lots 9.03 and 9.04 will be for single-family dwellings and not for duplexes or two-family dwellings. *Confirming testimony should be provided.* The plans include a note "proposed dwellings as shown are for illustrative purposes only". A representative calculation of square footage for the proposed structures must be provided to facilitate verification of compliance for maximum building coverage. *The maximum allowable building coverage square footage for each proposed lot has been added to the zoning schedule.* All existing and proposed utilities should be indicated. While proposed water and sewer are depicted for the two proposed dwellings on the proposed lots, no information is provided on the utility services for the existing dwelling. *The revisions indicate the existing dwelling is served by individual septic and well which will be abandoned.* Locations of existing wells and septic systems (if any) on properties adjacent to the site must be provided. *The revisions indicate neighboring Lots 7 and 11 are connected to public water and sewer.* The plans show the existing dwelling and driveway are to be removed, the applicant shall confirm if all existing site improvements are to be removed. *The revised plans indicate all existing improvements are to be removed.* It appears that Soil Conservation District approval will likely be required. If so, the plans should be revised accordingly. *The applicant's engineer response letter indicates that Certification will be obtained if necessary.* The proposed lot numbers should be consistent with the numbers assigned by the Tax Assessor. *Evidence of the approved lot numbers shall be submitted or the signature block on the plan executed by the Tax Assessor.* Compliance with the Map Filing Law is required. *Outbound corner markers require setting.* Road widening easements (if necessary) should be provided to the Township. *Road widening will not be necessary.* An existing shade tree easement is depicted on the plan along the property frontage. *Fact.* The applicant shall provide summary testimony in regards to the previously approved shade trees and sidewalk listed on the plans as "under separate application". *The applicant's professionals will provide testimony.* The applicant should be aware that NJDEP GIS data appears to indicate the presence of a Known Contaminated Site within the Woodland Drive frontage in front of the property. *Fact.* Outside Agency Approvals- Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Board of Health (wells, septic); Ocean County Soil Conservation District (if necessary); and All other required outside agency approvals. *Evidence of approvals shall be supplied.*

Mr. Doyle Esq. appeared on behalf of the applicant and said there is an existing house on this lot which is an oversized lot and it will be demolished to approve the 2 lots shown and to build single family home on each lot. They agree to the comments in the engineers report and verify



that these will be single family homes and not duplexes or 2 family dwellings. They will have public water and sewer and all existing site improvements are to be removed and new and corrected sidewalk will be installed. They do not think that road widening easements are needed in this area. Mr. Flannery was sworn in as professional planner to give testimony on the variances.

Mr. Flannery entered exhibit A1 which is the minor subdivision, exhibit A2 is some photos of the neighborhood and exhibit A3 is a copy of the tax map where the non conforming lots have been colored in. Mr. Flannery said the application is for minor subdivision and they are requesting 4 variances. They are in the R12 zone where a lot area of 12,000 sf is required and they are requesting 9,070 sf on lot 8.03 and 8,198 sf on lot 9.04. Lot widths, 90 ft is required and they are requesting 75 ft, on both lots. On A3, it shows for Woodland Dr. there are 38 lots on that road and 19 of them have variances. The majority of those are 50 ft. wide and they are proposing 75 ft. wide lots so as far as consistency with the neighborhood, it would be consistent. The existing lot is 17,000 sf so it is substantially larger than the 12,000 sf that is required and larger than the majority of the lots in the area. They are asking for a C2 variance and the MLUL says the benefits of the deviations would outweigh the detriments. This property is much larger than other property in the area, it can accommodate the 2 houses proposed and the Master Plan indicates they have a need for future housing in the town and this would accommodate it. Under NJAC 40:55D2 he feels this is the appropriate development of this lot and exhibit A3 shows it is consistent with other lots and show the variance can be granted without substantial detriment to the public good. The benefits here are providing the needed housing and developing lots that are consistent with the area. The MLUL indicates one reason but the Master Plan for R12 zone actually says on page 68 of the Master Plan duplexes should be permitted in specific areas. It doesn't state which areas but if you look at a lot that is 17,000 sf in an R12, that would be one that you can argue and his testimony is that 2 single families here would be better than a duplex and what they are proposing fits in better. Just being consistent with the neighborhood shows that the variance will not impair the intent and purpose of the Master Plan and the benefits outweigh the detriment. Mr. Flannery said he thinks the board can grant the variances.

Mr. Flannery said all the other engineering issues will be address.

Mr. Akerman said he was going to recommend this area be rezoned at the Master Plan re-examination meetings because he knows this area and he knows there are a lot of undersized lots and the people in the area complained about having to go to the zoning board whenever they needed something built.

Mr. Neiman opened the microphone to the public

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

Shmuel Rabinowitz, 800 South Lake Drive, Lakewood was sworn in. He is a neighbor who lives a few houses down the block and said since the Bauman's moved into the neighborhood they have developed it beautifully and it has changed for the better and this is going to be good for the neighborhood.

Motion was made by Mr. Percal, seconded by Mr. Schmuckler, to approve the application

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

9. SD # 1664 (No variance Requested)  
Applicant: Benjamin Kaufman  
Location: northwest corner of Central Avenue & St. Nicholas Avenue  
Block 12.04 Lots 42, 42.01, 43  
Minor Subdivision to realign lot lines

Mr. Vogt prepared a letter dated April 16, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to relocate the lot lines between Lots 42, 42.01, and 43 in Block 12.04, resulting in three residential lots, proposed Lots 43.01, 43.02, and 43.03. An existing dwelling is currently situated on proposed Lot 43.01. A garage and two (2) sheds are located on proposed Lot 43.02. The dwelling is to remain and the garage and sheds are to be removed. No construction is proposed at this time on proposed Lots 43.02 and 43.03. Proposed Lot 43.01 has frontage along St. Nicholas Avenue at its intersection with Central Avenue. Proposed Lots 43.02 and 43.03 have frontage along St. Nicholas Avenue. All three proposed lots are situated within the R-12 Single Family Residential Zone. The surrounding land uses are predominantly residential. We have the following comments and recommendations: Zoning- The parcels are located in the R-12 Residential District. Single-family detached dwellings are a permitted use. *Fact.* Per review of the Subdivision Map and the zone requirements, no variances are required for this application. *Confirming testimony should be provided.* Review Comments-The NJ R.S.I.S. requires 2.5 spaces for a single-family dwelling when the number of bedrooms is not specified. No specific data for two of the proposed lots is provided. No parking is shown on proposed Lots 43.02 or 43.03, and the parking requirements portion of the zoning requirements does not appear to line up properly. The zoning table must be revised. *The zoning table now lists three (3) spaces to be provided for each proposed lot. The required number of spaces in the table shall be revised to 2.5.* The existing dwelling is not marked with a number of bedrooms or a square footage calculation. Therefore 2.5 spaces are required per NJ R.S.I.S. for proposed Lot 43.01, where none are shown, not even existing spaces. The plan shall be revised to show the parking conditions for the existing dwelling that will remain after the proposed subdivision. *A proposed 8' wide by 60' long paved driveway has been added to proposed Lot 43.01. We recommend the proposed driveway be widened to nine feet (9') and moved away from the proposed property line.* Depending on the location of the existing parking for the existing dwelling on proposed Lot 43.01, the proposed sight triangle to be dedicated to the County may be impacted. The applicant shall provide testimony. *The proposed parking for proposed Lot 43.01 has been properly located on the St. Nicholas Avenue frontage away from the Central Avenue intersection.* The plan should be revised to clarify where new concrete curb and sidewalk is proposed. *The revised plans clarify where new curb and sidewalk is proposed. Proposed curb grades and road widening details for St. Nicholas Avenue will be necessary.* Due to no construction of new dwellings being proposed on proposed Lots 43.02 and 43.03, the Board may wish to require the cost of the curb and sidewalk improvements along St. Nicholas Avenue to be bonded or placed in escrow to avoid replacing them at the time new curb cuts and driveway aprons are installed. Alternately, the plans can be revised to locate the future curb cuts, allowing the installation of depressed curb and driveway apron at that time. *Fact.* Per review of the plan, public water and sewer appear available within St. Nicholas Avenue and the applicant proposes connections to both. *Fact.* Locations of existing wells and septic systems (if any) on properties adjacent to the site must be provided, or a note added to the plan indicating none are present. *A note has been added to the plan that no wells or septic systems exist on the site.* Per a note on the plan the proposed lot numbers have been approved by the Lakewood Tax Assessor's office. *Evidence of approval shall be supplied or the signature block on the plan*

*executed by the Tax Assessor. A shade tree easement is depicted on the plan along the property frontage along both streets, with seven Armstrong Maples proposed within it. Metes and bounds information for the shade tree and utility easement shall be added to the plan to eliminate the need to separately file easement documents. The easement shall be eliminated from the sight triangle. It is properly located behind the proposed sidewalk along St. Nicholas Avenue. Compliance with the Map Filing Law is required. An outbound corner marker must be set at the northwestern corner. Road widening easements (if necessary) should be provided to the Township. A sidewalk easement will be required along St. Nicholas Avenue. Outside Agency Approvals- Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and sewer service (LTMUA/NJAW/other); Ocean County Soil Conservation District (if necessary); and All other required outside agency approvals. Evidence of approvals shall be supplied.*

Mrs. Weinstein Esq. appeared on behalf of the applicant. She said they are dealing with a fully conforming subdivision-they are just realigning the three existing lots into 3 new lots. Mr. Carpenter is the engineer for the applicant and said they agree to all the terms in the letter and clarified the driveway is 2 feet from the property line and he can widen it to 9 feet. They don't propose any road widening on St. Nicholas, all the propose is a curb and sidewalk, they will give a sidewalk easement along St. Nicholas.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

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

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

10. SP # 1778A (Variance Requested)  
Applicant: Woodhaven Lumber  
Location: James Street, west of Sunset Road  
Block 345 Lot 11  
Preliminary & Final Site Plan for proposed service garage

Tabled to May 5, 2009

11. SD # 1665 (Variance Requested)  
Applicant: Solomon Wanouno  
Location: East Second Street, east of railroad  
Block 248.01 Lot 63.02  
Preliminary & Final Major Subdivision for 10 two family townhouses

Mr. Vogt prepared a letter dated April 15, 2009 and is entered in its entirety. The owner and applicant is Solomon & Chava Wanouno of 1758 East 18<sup>th</sup> Street, Brooklyn, New York 11229. The applicant is seeking preliminary and final major site plan and subdivision approval. The applicant proposes to construct ten (10) two-family townhouses with unfinished basements on fee simple lots. A common space lot is also proposed on which the site utilities and

improvements are contained. Forty-five (45) parking spaces are proposed. Thirty-nine (39) spaces are located within an off-street parking lot and the other six (6) spaces are satellite spaces along the frontage of the property perpendicular to East Second Street. The tract totals 1.27 acres in area and is vacant. Associated site improvements are proposed for the new use. These improvements include proposed sewer, water, and drainage; paved parking areas with curb, sidewalk, landscaping, and lighting. The property is located in the northern portion of the Township on the south side of East Second Street just east of the Conrail Railroad. Zoning The site is situated within the B-4, Wholesale Service Zone. Per Section 18-903 D. 2. b., of the UDO, "townhouses" is listed as a conditional use. Therefore, the provisions of Section 18-1010 apply. *Fact.* Ocean Avenue (Route 88) is the closest State Highway to the project. The required distance and actual distance of the tract from Route 88 shall be added to the Zoning Requirements Schedule. *The distances shall be added to the schedule.* The Lot Width definition states "The mean horizontal distance between the side lot lines measured at right angles to its depth. Required lot width shall be measured at the most forward allowable building line or setback line; however, the mean width shall not be less than the required lot width". While the required minimum tract width of 125' is met at the front setback, almost the entire lot is narrower than the required width. This is an existing nonconforming condition. *Fact – the schedule should reflect the nonconforming dimension.* No front yard setback is shown from the common area lot which contains site access and parking. The front setback of the units from the common area is 1.00', where 25' is required. Therefore, a front yard setback variance is required. *To cure a front yard variance, it appears the common area lot line has been set one foot (1') behind the proposed parking spaces. This puts virtually all proposed sidewalk and parking spaces on individual lots instead of common area. A proposed parking and sidewalk easement is being dedicated to the Homeowners Association. The front yard setback should be measured to the overhang since the projection is over twenty-four inches (24").* The minimum side yard setback (for end units) is 12'. The final plat shall be corrected to show the proper side yards. It should be noted the project is currently conforming. *Side yard setback lines of twelve feet (12') shall be indicated, with a minimum side yard setback of 13.01' listed.* According to Section 18-1010 B. 5. A structure shall not have more than two (2) connected townhouse units on one facade without providing a variation in setback of at least two (2) feet. The facade does not vary on the units proposed. *The upper floor overhangs are intended to provide facade variation.* According to Section 18-1010 B. 6. Each unit shall have an area designated for the storage of trash and recycling containers. A trash and recycling enclosure is proposed within the common area. *Fact.* The location of HVAC equipment has not been addressed for zoning compliance. *Fact – testimony shall be provided.* According to Section 18-1010 B. 9. All areas put into common ownership for common use by all residents shall be owned by a non-profit homeowners association in accordance with the requirements of the of Community Affairs and deed restrictions, covenants, and documents as stipulated in Subsections (a-g) of this portion of the Code. The applicant should provide testimony that they will comply with the above referenced requirements. We defer to the Board Attorney for further comment. *Fact.* Review Comments- Site Plan/Circulation/Parking- We are concerned with the six (6) proposed parking spaces along the East Second Street property frontage. We recommend the distance between the buildings be increased by moving the front building closer to East Second Street, thereby allowing parking to be designed and installed between the buildings. This design revision would not only move these parking spaces to a better location, but will improve site accessibility for emergency vehicles by providing space for a turn-around area. *The design concept remains as originally proposed. Testimony should be provided on the current configuration.* Accessibility to the proposed trash and recycling enclosure as proposed is limited. At a minimum we recommend the enclosure be angled to allow front access to the dumpster. *Testimony should be provided regarding accessibility.* The property owners within 200' shown on the Title Sheet

do not include all the lots shown on the area map within 200'. A new list is required to insure proper notification. *Fact – The list on the plans does not include all properties within two hundred feet (200')*. The general notes state that the applicant proposes nine (9) two-family townhouses and two (2) single-family townhouses. This is in conflict with the site plans and architectural plans. *Clarification has been made that the applicant proposes ten (10) two-family townhouses*. The general notes state that the site will be constructed in compliance with American with Disabilities Act. None of the units are handicapped accessible and no handicapped parking has been provided. Testimony should be provided to address this issue. *No handicapped accessibility to the units or handicapped parking is proposed*. Proposed lot lines must be added to the Layout Plan. *Fact – lot lines are only shown on the Final Plat*. Overwrites must be corrected for plan clarity, particularly on the Grading, Drainage & Utility Plan. *Overwrites have been corrected*. A signed and sealed copy of the survey referenced on the site plan must be submitted. *Fact – a signed and sealed copy of the survey is required*. The approval signature block shall conform to Section 18-604 B. 2 of the UDO. *The revised approval signature block conforms*. The plan has not provided any sight triangle easements for the proposed project. The applicant must show the easements or provide testimony as to why they are not required. *The sight triangle easements must be coordinated between the site plan and final plat*. The limits of the existing chain link fence to be removed which crosses the property should be indicated. *The entire existing chain link fence crossing the property is proposed for removal*. Architectural-Two (2) sets of architectural plans are provided, one for each townhouse building complex. We recommend that a color rendering(s) be provided for the Board's review at the time of Public Hearing. *Fact*. We recommend that location of air conditioning equipment should be shown. Said equipment should be adequately screened. *Fact*. Grading-Runoff is directed to the curb line farthest from the units. The low point should be designed along this curb line. *In consideration of the revised recharge location, we recommend a proposed gutter line be designed to convey runoff to the proposed double inlet*. A low point is being created between the 57.75 spot elevations shown between the buildings. An inlet and appropriate storm drainage should be added. *The inlet and storm drainage is still required*. Some proposed grading either has slopes of less than one percent (1%), or is directing runoff to adjacent properties, additional low points and storm drainage should be considered. *Additional low points and storm drainage is still required*. There are proposed contour discrepancies on the plans, most likely from revising a previous design, which must be addressed. Proposed spot elevations should be added to the landings for the exterior stairs. *Proposed contours and spot elevations must still be corrected*. Stormwater Management- What appears to be an unidentified utility line conflicts with proposed E inlet #4. This issue must be addressed in the revised design. *The proposed inlet has been shifted to avoid the conflict*. The proposed recharge system should be relocated under the parking as it conflicts with the proposed lighting and landscaping. *The proposed recharge system has been relocated to avoid conflict with the proposed lighting and landscaping*. The applicant shall clarify the Stormwater Drainage Plan to include any and all proposed roof drains, cleanouts and other stormwater collection and conveyance piping and how it connects into the system already shown on the plans. *Clarification is still required*. No soil borings, estimation of seasonal high water table, or permeability testing has been completed on this project. Furthermore, the Stormwater Management Report assumes a best case scenario with respect to infiltration. This work is required in order to properly review the recharge system. *Soil boring, seasonal high water table estimation and permeability testing is still required*. The Stormwater Management Report will be reviewed in detail at a future time after the required revisions are submitted. *A revised Stormwater Management Report will be required*. A stormwater maintenance manual will be required in accordance with NJ Stormwater Rule (NJAC 7:8) and Township standards. *Fact*. Landscaping- As noted on the Lighting and Landscaping Plan, Red Maples are proposed along

the property frontage and along the westerly property line. Norway Spruces are proposed around the trash enclosure. As depicted on the "Typical Building Landscaping" plan detail, additional perimeter plantings are proposed around the buildings and decks. *Quantities on the proposed plantings need to be verified. A couple of Red Maples are proposed within the sight triangles.* At the discretion of the Board, additional visual screening may be advisable along the property boundaries. The overall landscape design is subject to review and approval by the Board. *Fact.* The planting notes reference irrigation. Testimony shall be provided regarding proposed method(s) of irrigation. *The reference to proposed irrigation has been removed.* There are discrepancies on the planting notes which require correction. The applicant's engineer should contact our office for clarification. *Fact – the discrepancies require correction.* Dimensioning shall be added to the deciduous tree planting detail, similar to that shown on the conifer tree planting detail. *The detail has been completed.* Lighting- The lighting notes are not consistent with the plan. They also note the fixtures are to be supplied by JCP&L. Being that all the lighting is proposed within the project common area, this issue must be addressed. *The proposed lighting fixture does not match the illumination diagram. Testimony should be provided confirming the proposed lighting is privately owned.* Shielding must be provided to reduce minor spillover to adjacent Lot 77. *Shielding is required and the illumination diagram modified accordingly.* Testimony shall be provided on the adequacy of site lighting. It does not appear the east side of the parking area is properly illuminated. *A point to point diagram is recommended.* Utilities- Potable water and sanitary sewer will be provided by New Jersey American Water Company. *Fact.* The existing water main terminating in front of the site should be extended to the property line to allow for future extension. *The water main is proposed to be extended across the front of the site and no longer dead ends within the site.* A steeper slope is recommended for the sanitary sewer line since there are no cover issues. *Our office has no objection to an even steeper slope, provided the cover is acceptable to NJAWC.* The numbers and locations of the individual utility connections must be corrected. *Proposed Unit Nos. 2 and 4 has connections under the stairs and Unit No. 6 has two (2) sets of connections.* Signage- No signage information is provided within the current design submission. A full signage package for any signage requiring relief by the Board must be provided for review and approval as part of the application. *Fact.* All signage proposed that is not reviewed and approved as part of this application, if any, shall comply with Township ordinance. *Fact.* Environmental-Site Description- Per review of the site plans, aerial photography and a site inspection of the property, the site is predominantly cleared and has no appreciable mature vegetation, habitat, or significant environmental value. *Fact.* Environmental Impact Statement- An Environmental Impact Statement (EIS) report was prepared and submitted for the project, and addresses environmental concerns as applicable. In addition, our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following data layers were reviewed to evaluate potential environmental issues associated with development of this property: Known Contaminated sites (including deed notices of contaminated areas); Bald Eagle foraging and Urban Peregrine habitat areas; and NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, and forest, grassland and wood turtle habitat areas. No known environmental constraints exist within or adjacent to this site per NJDEP mapping. *Fact.* Tree Management Plan A Tree Management Plan is provided as part of the design plans. However, as noted previously, there is no known mature vegetation present within the property. Additionally, the Tree Management Plan contains a note that no specimen trees or trees of 10 inches diameter or greater exist on site. The applicant must comply with the requirements for tree protection and removal as applicable for this site. *Fact.* Construction Details- Construction details are provided on Sheet 7

of the plans. *Fact.* All proposed construction details must be revised to comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete @ 4,500 psi. *Construction detail revisions are still required.* The plans shall be amended to include handicapped ramp details from sheet 37 of the 2001 NJDOT Standard Details to account for the correct types of ramps on the project with truncated domes. *Just the appropriate details for type 5 curb ramps with truncated domes may be used since this will be the only type of ramp used along the property frontage.* Additional information is required for the trash enclosure detail. The footing is not deep enough and shows no reinforcement. The concrete slab has no reinforcement. No information is provided for the decorative wood gates. *The concrete slab requires reinforcement and information shall be provided for the wood gates.* The detail for "Typical Section – Roadway Improvements" does not match the site plan. *Coordination is still required.* The trench restoration detail is not in accordance with Township standards. *The detail requires correction.* A pavement restoration detail is required in conjunction with the new curb installation along East Second Street. *This detail has been corrected.* The concrete driveway apron details are not applicable to this project. *The details have been removed.* Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. *Fact.* Final Plat- The symbolism and legend for markers must be clarified. In addition, the corner marker information shown on the final plat does not match the site plan information. *Outbound corner markers must be set, not bonded.* The certifications shall be in accordance with Section 18-604 B. 3 of the UDO and be signed by both Solomon and Chava Wanouno. *The certifications shall be in accordance with Section 18-604 B. 3 of the UDO. The signature blocks for the owners have been amended.* Dedication of the easement areas must be indicated. *The easement areas require coordination between the final plat and site plan.* The final plat does not show a six (6) foot shade tree and utility easement along the property frontage, or any sight triangle easements for the proposed project. *The easements have been added but do not match the site plan.* Regulatory Agency Approvals- Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and Sewer Service (NJAWC) prior to occupancy; Ocean County Soil Conservation District; and All other required outside agency approvals. *Evidence of approvals from the Ocean County Planning Board and Ocean County Soil Conservation District are required. Only evidence of submission to NJAWC is required. A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions. In addition, because of the number of remaining technical issues, we highly recommend a meeting with our office in an effort to minimize project revisions*

Mr. Penzer Esq. appeared on behalf of the applicant. This is a unique piece of property ordered with Conrail, Park Terrace and goes down to Main Street. Mr. Carpenter is the engineer for the applicant. Mr. Carpenter said they moved the lot line for the units beyond the limit of the parking area where is parking area is now part of the lot area and there is no front yard setback required and they will have a cross access easement for all the parking spaces so all the units can park in the parking spaces, there is no designated parking spaces for each unit. The HVAC equipment will be located in the rear of the units by the decks, not on the roof. They originally proposed 6 parking spaces on East Second Street and according to RSIS the parking requirements call for ½ parking space per unit is to be used for guest parking so what they have done is place as much parking as they could within the eternal portion of the site and the remaining 6 parking spaces which will be guest parking will be on east Second Street which will be used very rarely. There is plenty of site distance on East Second Street and it is also wider than a 50 ft. right of way, he believes it is a 60 ft. right of way so the street is wider than a normal street in this area and the speed limit is 25 mph and they don't feel that the parking on the street

constitutes a hazard to the traveling public. Mr. Vogt asked if the sight distances documented in the submission and Mr. Carpenter said they can show the site distance on the plan to show that there is no obstruction to the site distance. Mr. Carpenter said by putting the parking on the site in between the two buildings it would essentially eliminate all the green space on the site. Mr. Vogt said he would be okay with what the applicant is proposing based upon his testimony, they don't have anything in the plans that say it meets ASHTO standards for this road with this speed and if they can provide that documentation to justify their testimony, they would be okay with the parking spaces there.

Mr. Neiman said these are 10 -2 family townhouses and he asked how many families will be living in them (20 families) and he asked if there were going to be any basements in these 2 family townhouses and Mr. Penzer said they were unfinished basements. Mr. Carpenter said they were unfinished basements and the reason they are 2 family townhouses is because a basement and a townhouse is considered a 2 family house; it is a basement and a house so it does not have the ability to turn into 30. Mr. Penzer said it is a legal total of 20 and they can max that out. Mr. Schmuckler said it would be as it is 10 townhouses with 46 spots which is more than they have gotten in the past.

Mr. Penzer said Park Avenue used to be the widest street in Lakewood and when Mr. Penzer got the townhouses approved the Planning Board wanted to close it off and the engineer at the time, Mr. Petrucelli said that he never liked it and it was so wide, he would rather have houses in the street and that is why that street twists like that. Mr. Neiman said those townhouses are the reason why they want as much off street parking as possible. Mr. Penzer said this is the tail end of Park Avenue and that is why it is so wide and Mr. Banas said now it is a speedway. Mr. Penzer said that they can't control and Mr. Banas said they can control part of it by changing the parking of those 6 cars there; they will have to back out. Mr. Schmuckler said these spaces are not going to Park Avenue, they are going to East Second Street and that is not a speedway because the tracks are there where you can't go fast there. Mr. Neiman said those 6 spots are "iffy" and Mr. Carpenter said they will hardly be used and Mr. Franklin if they are there, they will be used. Mr. Penzer said they will put them between the 2 buildings and Mr. Neiman said to move over the buildings a drop and then put them between the 2 buildings and Mr. Carpenter said he believed if they do that, they can't get all of the parking spaces off of East Second and will still have 2 parking spaces on East Second, but said by putting a driveway into that area between those 2 buildings he loses 3 parking spaces for the driveway so he only picks up 3 parking spaces by putting parking in between the buildings and now the buildings are sitting right on top of the parking and there is no green space. Mr. Banas said rather than have a hazard and a safety problem he thinks he would look forward to a variance rather than that. He said this is extremely dangerous the way it is planned.

Mr. Vogt recommended parallel parking and get at least 2 or maybe 3 and the board agreed. Mr. Carpenter agreed. That would make a total of 41 parking spaces which Mr. Schmuckler said was more than other townhouse developments.

Mr. Penzer continued and spoke about the trash and the accessibility and asked Mr. Franklin his opinion on it. Mr. Franklin said he wouldn't want to back a garbage truck in there with all those little children. Mr. Vogt suggested it be angled to allow a front access to the dumpster. Mr. Neiman questioned using one dumpster for these 20 families and having them walk their trash. Mr. Franklin said they figure a yard of garbage per family per week and they don't go there every day. The garbage will not fit into this dumpster and Mr. Carpenter said Mr. Franklin will not back a truck into this site so the only place he can put a dumpster is on East Second Street and he



has 2 site triangles on either side of the driveway and by eliminating those additional parking spaces he might be able to put a second dumpster location on Second Street but the people are still going to have to walk from the end unit all the way to Second Street to put their garbage out.

Mr. Schmuckler asked Mr. Franklin if each family could get their own dumpster and they will walk it out on garbage day and Mr. Franklin said that would be 4-5 garbage cans and you will have 80 garbage cans lined up out there.

Mr. Banas asked if they considered that this is too much housing in too little space? Mr. Penzer said there is no density issue and Mr. Carpenter said they have provided the parking that is required. Mr. Penzer said they can make this very nice and put a fence around it with a gate that can be opened and closed and they can put bushes around it as well. Mr. Schmuckler asked if they could double the area in front and Mr. Carpenter said he could put 2 dumpsters there.

Mr. Franklin said they have another problem- they have single source recycling and asked if they were going to be able to put all the bottles, can, newspapers, cardboard etc. all in one dumpster so they will be getting a third dumpster there just for recycling-2 is not going to make it. Mr. Penzer said maybe they should do reimbursement, and have a private carrier pick up a few times a week.

Mr. Neiman had to leave the meeting for an emergency so Mr. Herzl took over the chair.

Mr. Franklin said they could work something out and if they would have come by and made an appointment they could have worked something out before this meeting. Trying to work it out here is a little touchy. Mr. Penzer suggested going through the rest of the plan and see if there is any other problems and if they have to they will carry it but if not let's see what they can work out as quickly as they can.

Mr. Penzer said it is the applicant's position that these are single family dwellings and they are exempt from having to have handicapped accessibility units. The site triangles will be coordinated between the site plan and final plat. They have no problem taking care of the grading problem.

Mr. Carpenter said with regard to the storm drainage, the roof drains for the front of the buildings will be directed into the parking area which will flow into the drainage system. The roof drains from the rear of the buildings will flow into a swale that will go around the buildings and eventually be picked up by a catch basin at the southwest corner of the site. Mr. Vogt asked him to indicate that on the revised plans. Mr. Banas asked if that swale is going to be on the road and Mr. Carpenter said no, it will be behind the buildings and traverse along the grass area around to the catch basin. They will correct the lighting on the plans to match. Mr. Carpenter said when they submit an application to NJAWCO they will be bound by their engineering review and if they make a recommendation to change the slope or the pipe they will comply. They will amend the plans to show the type 5 curb ramps and will also correct the easements to match the site plan. They agree to comply with the remainder of the comments in the engineer's report. The only item open is the trash and Mr. Penzer said if they can set up a meeting with Mr. Franklin and if they don't meet it, they can make it a condition of approval that they have to satisfy Mr. Franklin.

Mr. Herzl opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Schmuckler, seconded by Mr. Percal, to approve the application with 2 parallel parking spaces on East Second Street and to meet and satisfy the conditions with Mr. Franklin as far as the trash.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; no, Mrs. Koutsouris; yes, Mr. Akerman; abstain, Mr. Banas; no, Mr. Schmuckler; yes, Mr. Percal; yes

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

Mr. Kielt said this item was at the last meeting and the governing body asked him to put this back on the agenda for re discussion tonight.

Mr. Schmuckler said the question they had last time was what was the changes from the last ordinance to this ordinance and what is changing; do they have anymore clear definition and Mr. Kielt said they did nothing of that. Mr. Wouters will, in the future, will be doing it that way. Mr. Schmuckler said they want the board to look at it the way it is and make a decision based on what it is and Mr. Kielt said the Township Committee has to act on this Thursday night and they need an answer.

Mr. Schmuckler said he is okay with this ordinance and likes the fact that it puts an end to the amount of years and then that is it and it is his opinion is he is okay with it.

Mr. Banas said he would still like further explanation and would appeal the board to consider this. He believes he was talking specifically about Section 2 item 3 where he asked for an insertion of the phrase “known as a footprint” and said he thinks it is important to go and put as many definitions as they can into an ordinance and by inserting that in Section 2 item 3 the site plan or plot plan showing the setbacks (footprint) clarifies exactly that they are dealing with something that was there- there is no mistake. Mr. Schmuckler said this is a different ordinance. That other one was the school classroom and this one is about places of worship and not schools.

Mrs. Koutsouris said she was on board with the board members that said they wanted to know what the change is. She has no issue with this ordinance per se, it is just that when she is being asked to evaluate a change to an ordinance, she would like to know what is being changed and asked Mr. Kielt if it is just the time limits that have been added to this ordinance and Mr. Kielt said prior to this, under the old ordinance, for a school you were allowed a temporary trailer. For a religious facility, you were not allowed the placement of a trailer and that is the purpose of this ordinance, to place a trailer for a period of up to 2 years while a synagogue or a church or house of worship is being constructed.

Mr. Herzl opened the microphone to the public

William Hobday, 30 Schoolhouse Lane, Lakewood. He said he thinks this ordinance pre-supposes that this is a lot and there is no structure on it. It doesn't differentiate if there is a structure on it or not, it just allows for a trailer or portable facility. There should be something to define where and why they are going to put this and he can envision a structure on a lot and this

would allow an addition to that, a trailer just for religious services and he doesn't know if having that in place has ever been allowed before and the only reason they allow trailers or modular units for schools is because they can't just go out and construct a school as the population grows. He thinks that most houses of worship are pretty well pre planned; you build as your population grows and it is hardly ever a situation where it is unexpected. You have to have supported, parishioners etc. and it is rarely been an immediate thing that has to be done now. Therefore, he thinks that this needs some work to see firstly, if it is a lot without a structure, he might be more inclined to review it but if its got a structure he would say no, that is not permitted, but he would want to know more about it and what the urgency is because in his way of thinking a congregation is building, you acquire the land, you start the building process, you do your funding, etc. and a lot of times there is just no need for a temporary structure. You don't want to start seeing trailers everywhere in Lakewood, the idea is to build some good structures, with good parking lots and things that accommodate all the parishioners to come and worship in a house of worship and not a trailer.

Chaim Abadi, 217 10<sup>th</sup> Street, Lakewood. He said Mr. Hobday is not familiar with orthodox and how a synagogue works so he explained. He said when 10 people move into a neighborhood, they need to have a minion (quorum) to pray. When there are 10 people in a neighborhood, they can't afford to build any kind of building, let alone buy a lot and if they are lucky enough to buy a lot, the only thing they can afford is a trailer until the neighborhood builds up. Once there are ten people in a neighborhood, the neighborhood picks up. In Lakewood, when it comes to synagogues, there is no question that it is needed.

Abraham Penzer, Lakewood. He said he was one of the people who approached the Township Committee and asked them to do this ordinance. He said they are growing in the orthodox community approximately 80 children a week. They are growing so rapidly that the problem is they have to pray 3x a day and every week on Chavas and holidays and they need places to pray. The purpose of this ordinance is to discourage illegal houses of worship. They want to have officials approve the buildings and trailers and make them safe. If they don't do this ordinance, they will go back to the illegal stuff of having basements going on without anyone monitoring except if somebody is passing by or somebody goes and informs the inspection department. That is not what they want. It was crafted so it would have to be deemed complete and meet all types of UCC permits and the facility must at all times comply with the township's uniform fire safety code. They need to make it safe to pray and they don't have the money to do it instantly. Where he lives in Heathwood, his little neighborhood has 7 synagogues-3 underground synagogues and he doesn't live in the most popular neighborhood. Heathwood and 14<sup>th</sup> Street has been around a long time. This is the only way they can get relief and put it in a position that they have a mechanism to force them to make sure it is safe but at the same time, let them pray.

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

Motion was made by Mr. Schmuckler, seconded by Mrs. Koutsouris, to pass on the recommendation to the Township Committee

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

Mr. Banas said prior to Mr. Penzer speaking he was going to vote no in this matter, but he remembers all the moves Mr. Penzer has made over the years trying to get the underground

synagogues in the open. The problem he has, there was nothing that gave him a legal basis but he has provided him with a moral basis.

## 6. CORRESPONDENCE

### DISCUSSION - SD # 1545- 319 Prospect LLC

Mr. Kielt said Mr. Flannery is here to talk about this-this is an old subdivision. Mr. Flannery said this is a townhouse project under construction and the resolution of approval said a 6 ft. fence around the perimeter of the property. That wasn't clear enough whether that included the Prospect Street frontage and his client and his purchasers all thought there would be a 6 ft. fence along Prospect Street as well and it is at the point of constructing it and Mrs. Siegel at zoning asked if that motion included a variance for the 6 ft. fence. Mr. Flannery would think it did and that is the right way to do it but it was specifically stated so they are asking the board if the intent of that was to have the fence along Prospect Street which is the rear of the townhouses.

Mr. Banas said he thinks he asked the question why a 6 ft. fence and Mr. Flannery offered testimony as to the reasoning behind that and it was his understanding that they voted for the approval of that variance at that time. Mr. Jackson said they can amend the resolution and Mr. Franklin said they would need gates back there so someone could mow that lawn (min 42" wide to get a mower out there). Mr. Jackson said the entire board can vote on it, even if they were not on the board for the original hearing. He said as long as the board feels this is not a material change and essentially an administrative thing, they do not need to have a public meeting.

Motion was made by Mrs. Koutsouris, seconded by Mr. Banas, to amend the resolution to include the fence with gates.

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

## 7. PUBLIC PORTION

-No one at this time

## 8. APPROVAL OF MINUTES

- Minutes from April 7, 2009 Plan Review Meeting

Motion was made by Mr. Franklin, seconded by Mrs. Koutsouris, to approve. Mr. Banas said there is an error on page 27 of the minutes. It reads as though he changed the ordinance 18-5 when in reality he made a motion to amend the previous motion which was not supported. The minutes will be revised to reflect that.

Motion was made by Mr. Banas, seconded by Mr. Koutsouris, to amend the minutes.

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

## **9. APPROVAL OF BILLS**

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

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

## **10. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

submitted  
Johnson  
Board Recording Secretary

Respectfully

Chris  
Planning

**PLANNING BOARD MEETING  
APRIL 21, 2009  
MEETING**

**TOWNSHIP OF LAKEWOOD  
REGULAR**