

1. CERTIFICATION OF COMPLIANCE

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

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

2. ROLL CALL

Roll Call Mr. Herzl, Mr. Franklin, Mr. Arecchi, Mrs. Koutsouris, Mr. Banas

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

4. PLAN REVIEW ITEMS

1. **SP # 1956** (No Variance Requested)

Applicant: County of Ocean

Location: Raintree – Kennedy Boulevard East
Block 186 Lot 8

Courtesy review of proposed vehicle and equipment wash facility

Project Description

The applicant (Ocean County) proposes to install what appears to be a one-bay vehicle and equipment wash facility at its Lakewood Garage facility. This property is located east of Hermosa Drive, behind Mendocino Court and Cambria Court. Per review of the submitted plans and aerial mapping, the proposed wash facility will be located within an existing impermeable area, at the edge of an existing paved internal access driveway. We have the following comments and recommendations: (1) The site is located in a R-15 (Residential) Zone. The existing use appears to be permitted, at a minimum, under the definition of public utility (as a conditional use, at a minimum, within the existing facility), and appears to be in compliance with applicable bulk standards. (2) **We recommend that the applicant’s professionals bring an (accurate) regional rendering showing the locations of the existing and proposed improvements for the Board’s consideration at the forthcoming public hearing.** (3) Testimony should be provided regarding how spent wash water from the facility will be handled (e.g., discharge to sanitary sewer, recycle, hauling, other). (4) General testimony regarding the proposed improvements should be provided to the Board’s satisfaction, including but not limited to when these

improvements are proposed, proposed hours of operations for the wash facility, and potential traffic impacts (if any). (II) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District (if necessary); (c) NJDEP (if necessary); and (d) All other required outside agency approvals.

Mr. Vogt stated we asked the applicant to basically come in and number 1, bring what we now have which is an aerial map, which shows the overall locations and features surrounding the area and what they're doing. This is a large property, and what they propose to do, is developing a portion of the end of the existing access drive or parking area and putting in a wash facility. I assume this is part of the county MS4 or something along those lines.

Mr. Ernie Colwine , director of solid waste management, stated yes, the MS4 of the county is subject at all its road garages to storm water controls so we can no longer just wash and let it run off into the woods there so everything has to be under control, the water has to be captured and either treated or discharged. In this case were trying to recycle a good portion of the water, however in the winter months with the salt it gets difficult so at that point there might be some discharge to the system.

Mr. Jackson stated under 40 55D-31, review of capital projects, governmental agency shall refer the action involving the specific project to the planning board for review and recommendations and they have to wait 45 days. So the board just reviews it and makes a recommendation and it's considered an informal review. You really don't have any say, yes or no, it's just an opportunity to give feedback and then to take it into account in the long range impact it will have on the town. I just wanted to refresh the board's memory on that.

Mr. Banas stated I agree with you. I see you have an engineer here, Mr. Connell would you address the board?

Mr. Bruce Connell stated the proposed project is to construct a 30 ft by 8 in by 50 ft building that will be a single wash bay. Were going to have a recycling system inside, there will be a maximum of 40 trucks per day that will be serviced during a peak time, normally that number will be much less than that. It's located within an existing paved area and the water will come from a proposed connection to the existing water service that we already have at this site as well as the discharge to a sampling manhole that will then go to the Lakewood Township waste system. There is no new personnel anticipated with this and no increase in the truck traffic, it's going to service the existing truck traffic that is at that facility. There is a communications tower here on the aerial view, the proposed building will be located immediately adjacent to that within a dry area that's currently existing. There will be a connection to that sanitary sewer system that's already located on this site as well as the connection for electrical telephone and the water service to the existing garage building that is located in this area. One positive benefit from this is that we talked to NJ Natural Gas and they're going to run a gas main down to the service facility several miles, so they will be able to pick up a lot of the Lakewood residents when they come through if they wish to make a connection to the gas system.

Mr. Banas asks for questions. Seeing none he then stated I have been reading a lot of messages from Bricktown. They are getting very concerned about the flow of water down to their water shed area and I think that have to rely on about 70% of their water from the surface. I'm glad to see this going in to capture any of the pollutants that might be in there and I could say only thanks and I think that will help Bricktown an awful lot.

Motion made to advance application to June 28, 2011 meeting by Mr. Herzl and seconded by Mr. Franklin.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mr. Arcchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes.

Mr. Jackson announced that the above application has been advanced to the June 28th Meeting, this meeting room, no further notice is required.

Mr. Banas states that Mr. Neiman and Mr. Percal are both now there.

2. **SD # 1801** (Variance Requested)
Applicant: MCEF Construction
Location: Corner of East County Line Road, Shafto Avenue &
Fourteenth Street
Block 143 Lot 3.01
Minor Subdivision to create two (2) lots

Project Description

The applicant seeks minor subdivision approval to subdivide an existing irregular property totaling about 16,448 square feet (0.38 acres) in area known as Lot 3.01 in Block 143 into two (2) new residential lots, designated as proposed Lots 3.02 and 3.03 on the subdivision plan. The site is vacant and wooded. Proposed Lots 3.02 and 3.03 will become new zero lot line properties for a proposed two-story duplex. Public water and sewer is available. The site is situated in the northern portion of the Township and has multiple street frontages. The tract is located on the northeast cul-de-sac bulb of Fourteenth Street and also has frontages on the south side of East County Line Road and the west side of Shafto Avenue. East County Line Road is a County Road. The surrounding area is predominantly residential. The Fourteenth Street cul-de-sac is paved, but has yet to receive a pavement top course. East County Line Road and Shafto Avenue are paved. Except for the Shafto Avenue frontage, curbing exists along the property frontage. Sidewalk does not exist along any of the frontages, but is proposed as part of this application. Proposed Lots 3.02 and 3.03 will require front yard setback relief. The lots are situated within the R-10 Single Family Residential Zone. We have the following comments and recommendations: (I) **Zoning** (1) The parcel is located in the R-10 Single-Family

Residential Zone District. Zero lot line duplex housing is a permitted use in the zone. (2) Per review of the Subdivision Map and the zone requirements, Minimum Front Yard Setback variances are requested. Proposed Lot 3.02 requests a 14.65 foot front yard setback, whereas a twenty foot (20') front yard setback was previously granted from Fourteenth Street by Board of Adjustment Appeal No. 3109. Proposed Lot 3.03 requests a twenty-five foot (25') front yard setback from East County Line Road, whereas thirty feet (30') is required. (3) The applicant must address the positive and negative criteria in support of the requested variances. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Review Comments** (1) The General Notes reference a Survey dated 10-15-10. The Certifications reference a Survey dated 8-25-10. A copy of the boundary and topographic survey must be provided and the survey dates coordinated on the plan. (2) The existing walkway on adjoining Lot 2.02 is shown encroaching onto the property. Unless the walkway is either removed or addressed with an easement, Lot 2.02 will have to be included in the subdivision application and the lot line adjusted accordingly. (3) The plan notes an existing street right-of-way and utility easement along the East County Line Road frontage. Testimony is required expounding upon this note. County approval of this project is required. (4) The plan incorrectly shows existing curb along the Shafto Road frontage. Existing curb ends at the property frontage of adjoining Lot 2.02 and the curb return of East County Line Road. The plan shall be corrected to show proposed curb between the above referenced locations. Furthermore, a note shall be added that any existing curb damaged during construction will be replaced as directed by the Township Engineer. Our site investigation conducted on 4/20/11 noted damaged sections of new curb along the Fourteenth Street frontage. (5) Sidewalk is proposed within the right-of-way of all three (3) surrounding roads. The width of the proposed sidewalk shall be a minimum of five feet (5') and match the existing sidewalk ending at the frontage of adjoining Lot 2.02. There is existing depressed curb at the intersection of Shafto Avenue and East County Line Road for a handicapped ramp. The proper sidewalk design must be shown at this intersection which will require either a dedication or an easement. (6) The plans indicated a minimum of four (4) off-street parking spaces are required for each lot. The subdivision plan proposes driveways capable of providing four (4) off-street parking spaces per lot. Testimony is required on the number of proposed bedrooms for each duplex unit. Our review of the architectural plans indicate that at least nine (9) bedrooms are proposed for the unit on Lot 3.02 and at least eight (8) bedrooms are proposed for the unit on Lot 3.03. Per Township Ordinance 2010-62, five (5) off-street parking spaces are required for nine (9) bedroom dwellings. (7) A new driveway from Shafto Road is proposed to serve the unit on Lot 3.03. The proposed driveway is very close to the intersection with East County Line Road. If feasible, the applicant should consider revising the proposed driveway connect to the Fourteenth Street cul-de-sac bulb and a driveway easement be proposed across Lot 3.02. (8) Finished basements are proposed for the future dwellings on proposed Lots 3.02 and 3.03. A General Note indicates that estimated seasonal high water table elevation is at a depth greater than ten feet (10') as determined by Lines Engineering on 10-31-2010. The required information on the seasonal high water

table shall be submitted. (9) Proposed building coverage must be confirmed. The Zoning Data shows the building coverage percentage of each individual lot to be less than percentage of the initial lot. (10) Unless the property line with the bearing “north one degree forty-nine minutes zero seconds east” is incorrect, the lot line shall be designated as non-radial. (11) Fourteenth Street has a fifty foot (50’) right-of-way. Portions of the proposed sidewalk around the cul-de-sac bulb will encroach onto new Lot 3.02. Therefore, sidewalk easements are proposed at two (2) locations. Survey data must be correctly completed for these two (2) proposed easements. (12) The required front yard setbacks must be corrected in the Zoning Data. The twenty foot (20’) front yard setback from Fourteenth Street granted by the Board of Adjustment under Appeal No. 3109 must be noted. (13) The R-12 Zone shown on the Zone Map shall be corrected to R-10. (14) A sight triangle easement should be proposed at the intersection of East County Line Road and Shafto Avenue. (15) An existing guy wire for the utility pole located along East County Line Road will conflict with the proposed sidewalk and walkway from the unit on Lot 3.02. The guy wire and walkway should both be relocated. (16) An existing drain is located in the northwest corner of the property. Testimony is required on the disposition of this drainage structure. (17) Proposed lot and block numbers must be approved by the tax assessor’s office. (18) Proposed shade tree and utility easements are shown along the property’s frontages. Survey data must be added and easement areas for the proposed individual lots must be completed. (19) Eleven (11) shade trees are proposed for the project. The quantity in the “Tree List” of the Improvement Plan for Minor Subdivision referencing nine (9) trees must be corrected. Proposed shade trees shall not be located within any proposed sight triangle easements. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations from the Township Shade Tree Commission as practicable. Our site investigation noted a number of fairly large existing trees within the site, at least some of which will be removed at time of construction. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan Review for the proposed lots. (20) The Improvement Plan for Minor Subdivision notes that roof leaders will be directed to the street. Testimony is required on the disposition of increased storm water runoff from development of proposed Lots 3.02 and 3.03. (21) Compliance with the Map Filing Law is required. The Monument Certification has not been signed since the monuments are not in place. (22) Construction details will be reviewed in detail during compliance if approval is given. (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Township Tree Ordinance (as applicable); (b) Ocean County Planning Board; (c) Ocean County Soil Conservation District (if necessary); and (d) All other required outside agency approvals. **A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.**

Mr. Penzer Esq, states that he has spoken to Terry and they can meet all of the items on the list and take care of it in time for the next meeting.

Chairman Neiman asks any questions, seeing none, he opened this portion of the meeting to the public, seeing none he asks for a motion.

Motion made to advance application to June 28, 2011 meeting by Mr. Herzl and seconded by Mr. Percal.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mr. Arecchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Percal, yes.

Mr. Jackson announced that the above application has been advanced to the June 28th Meeting, this meeting room, no further notice is required.

3. **SP # 1954** (No Variance Requested)
Applicant: Harley Davidson of Ocean County
Location: Route 70, east of Vermont Avenue
Block 1086 Lot 16
Amended Site Plan for proposed motorcycle training range

Mr. Jackson stated that this application was moved to the June 14, 2011 Planning Board Meeting. No further notice is required.

4. **SD # 1802** (Variance Requested)
Applicant: 283 Ridge Avenue, LLC
Location: Ridge Avenue between Nowlan Place & Westwood Avenue
Block 235 Lot 16
Minor Subdivision to create two (2) zero lot line lots & 1 single family lot

Project Description

The applicant seeks minor subdivision approval to subdivide an existing trapezoidal property totaling 16,529 square feet (0.38 acres) in area known as Lot 16 in Block 235 into three (3) new residential lots, designated as proposed Lots 16.01-16.03 on the subdivision plan. Proposed Lots 16.01 and 16.02 will contain a zero lot line duplex unit with five (5) bedrooms each. Proposed Lot 16.03 will contain a new single family residential home with five (5) bedrooms. Public water and sewer is available. The vacant site is situated in the north central portion of the Township on the west side of Ridge Avenue, at the intersection with Nowlan Place. The surrounding area is predominantly residential. Ridge Avenue is a paved road that has an existing right-of-way width of thirty-three feet (33'). Curbing and sidewalk exists along the property frontage. No right-of-way dedication or additional pavement widening is proposed along the property frontage as part of this application. Variances are required to create this subdivision. The lots are situated within the R-7.5 Single Family Residential Zone. We have the following comments and recommendations: (I) **Zoning** (1) The parcels are located in the R-7.5 Single-Family Residential Zone District. Single-family detached dwellings and duplex zero

lot line dwellings are permitted uses in the zone. (2) Per review of the Subdivision Map and the zone requirements, the following variances are requested: (a) Minimum Lot Area (proposed Lot 16.03, 6,529 SF, 7,500 SF required) – proposed condition. (b) Minimum Lot Width (proposed Lot 16.03, 48.90 feet, 50 feet required) – proposed condition. (3) Variances have been requested for the aggregate side yards of proposed Lot 16.01 and 16.02. Side yards of 13.95 feet have been proposed for these zero lot line properties. However, these lots are complying since the aggregate side yards for zero lot line properties are reduced to half the requirement, which for the R-7.5 Zone is 7.50 feet. (4) The Board should review whether a right-of-way dedication be considered for this project. A right-of-way dedication will impact the lot areas of all proposed lots and the variances required. (5) The applicant must address the positive and negative criteria in support of the requested variances. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Review Comments** (1) The Minor Subdivision notes the field survey work was performed on 03/25/09. The existing dwellings indicated on neighboring Lot 15, one (1) of which is shown encroaching onto the proposed project, have since been removed. An updated survey is required along with the addressing of other existing encroachments previously mapped. (2) A Legend is required on the Minor Subdivision Plan. (3) The Footnotes shown for the Site Plan Zoning Table must be added to the Minor Subdivision Zoning Table. (4) The NJ R.S.I.S. requires three (3) off-street parking spaces for five (5) bedroom units. The subdivision plan proposes new stamped concrete driveways capable of providing four (4) off-street parking spaces per unit. (5) Testimony should be provided as to whether basements are proposed for the future dwellings on proposed Lots 16.01-16.03. If so, seasonal high water table information will be required. Based on the number of bedrooms proposed, the parking requirements of the ordinance would be met even if basements are proposed. (6) Proposed lot and block numbers must be approved by the tax assessor's office. (7) Monuments shown to be set along the project frontage will conflict with sidewalk. We recommend the monuments be offset. (8) Existing top of curb and gutter grades must be added to the plans to review proposed grading. A note should be added to the plans that existing curb and sidewalk damaged during construction shall be replaced. (9) Proposed shade tree easements are shown along the property's frontage. The easements shall be revised to shade tree and utility easements. Easement areas for the proposed individual lots must be completed. (10) Twenty-six (26) Eastern Juniper, four (4) Red Maple, and five (5) Sweet Bay Magnolia are proposed for the project. However, no trees are proposed within the shade tree easement. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations from the Township Shade Tree Commission as practicable. (11) The plans indicate a number of existing large trees on the site, most of which the applicant is attempting to save. We recommend consideration be given to shifting the driveway on proposed Lot 16.03 in an attempt to save the forty-eight inch (48") diameter tree, the largest existing tree on the project. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan Review for the proposed lots. (12) The applicant is proposing subsurface infiltration basins under the driveways and drywells in the rear

yards to account for the increased storm water runoff from development of proposed Lots 16.01-16.03. We recommend shifting the proposed location of Drywell #1 to the opposite side of the existing thirty-six inch (36") tree attempting to be saved to negate the need for an easement from the proposed adjoining property. (13) A correction is required to the Surveyor's Certification. (14) Compliance with the Map Filing Law is required. (15) Construction details will be reviewed in detail during compliance if approval is given. (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Township Tree Ordinance (as applicable) (b) Ocean County Planning Board; (c) Ocean County Soil Conservation District; and (d) All other required outside agency approvals. **A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.**

Mr. Moishe Klein, Esq, states that there are really only 2 variances even though on the plan it stated there are 3.

Chairman Neiman stated at the time of the public hearing, usually for duplex's we would like to see you keep up with the 7500 sq ft requirement so if you can just give testimony on why you're going to go under the 7500 sq ft.

Mr. Klein stated that the duplex is on a 10,000 sq ft lot. There are no variances required for that. That one variance was a mistake.

Chairman Neiman say okay. Asks if there are any questions? Seeing none he asks for a motion.

Motion made to advance application to June 28, 2011 meeting by Mr. Herzl and seconded by Mr. Percal.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mr. Arecchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Percal, yes.

Mr. Jackson announced that the above application has been advanced to the June 28th Meeting, this meeting room, no further notice is required.

- 5. SP # 1955** (No Variance Requested)
Applicant: Nitto Denko Automotive NJ, Inc.
Location: Rutgers University Boulevard, east of Swarthmore Avenue
Block 1607 Lot 7
Amended Site Plan for proposed additional parking

Project Description

It is our understanding the applicant is seeking an Amended Preliminary and Final Major Site Plan approval of the Phase 2 approval associated with SP# 1740. The applicant proposes to amend the Phase 2 site plan by eliminating the previously

approved Phase 2 building addition and replace it with additional parking spaces. It is also proposed to construct three (3) dumpster pads along the westerly access and construct more additional parking by expanding the primary parking lot. The previously approved Phase 1 building addition has been constructed. The previously approved Phase 3 and Phase 4 building additions will not be affected by this request for Amended Site Plan approval of Phase 2. The existing facility is located on the north side of Rutgers Boulevard, east of Swarthmore Avenue within the Lakewood Industrial Park. Access to the site is provided from four (4) existing driveways spaced throughout the site. A fifth exit only driveway is proposed for the parking area contemplated in place of the Phase 2 building addition. Parking for employees will be provided throughout the property. We count a total of one hundred twenty-eight (128) off-street parking spaces are proposed at the above-referenced location. Eighty-four (84) of the existing spaces will remain and forty-four (44) spaces are proposed. According to the parking tabulation, fifty-nine (59) off-street parking spaces are required. This is based on one (1) space per employee on the maximum work shift, which would be thirty-nine (39) employees, and twenty (20) spaces for executives. The tract consists of 9.79 acres in area, and is totally developed. The property generally slopes downwards from north to south. The site fronts the north side of Rutgers Boulevard. The roadway is improved with municipally supplied water and sewer services available in the roadway. Surrounding lands are all improved with large commercial and industrial land uses. The site is located in the M-1 Industrial Zone. (I) **Zoning** (1) The site is situated within the M-1, Industrial Zone. Per Section 18-903M.1., of the UDO, numerous "permitted uses" are listed in the M-1 Zone. Testimony shall be provided on the proposed use to confirm it is consistent with the zone. (2) The minimum front yard setback of fifty feet (50') is nonconforming since the existing pump house has a front yard setback of only 24.6 feet. However, the front yard setback for the main building exceeds fifty feet (50'). (3) Per review of the site plans and application, the following design waivers are required: (a) Providing a driveway of less than twenty feet (20') in width (Subsection 18-807.C.4.). A proposed one-way exit driveway of eighteen feet (18') in width is proposed. (b) Providing parking facilities closer than twenty feet (20') from the street line (Subsection 18-807.C.6.). The nearest proposed parking facility to the street line is less than ten feet (10'). The existing site is conforming since all parking facilities are beyond twenty feet (20') from the street line. (c) Providing sidewalk along the site frontage (Subsection 18-814.M.). (d) Providing curb for the proposed parking area which replaces the Phase 2 building addition. (e) Providing a shade tree and utility easement along the site frontage. (f) Providing shade trees along the site frontage. (g) Any and all other design waivers deemed necessary by the Board.

(II) **Review Comments (A) Site Plan/Circulation/Parking (1)** General Notes # 2 and 3 reference boundary and topographic survey information from 1987 and 2003. An updated survey is required since the Phase 1 addition has been constructed after the 2003 topographic survey. **(2)** Proposed phasing limits must be clarified on the plans. **(3)** We count one hundred twenty-eight (128) parking spaces are proposed for the site. This figure is based on eighty-four (84) existing spaces to remain and forty-four (44) proposed spaces. A combination of 9' x 20' and 10' X 20' spaces are proposed. The plans only indicate two (2) existing spaces for handicapped use.

Additional handicapped parking is required and handicap accessibility must be brought up to the current code. Also, the Parking Tabulation requires correction. (4) Three (3) proposed concrete dumpster pads are shown on the plans. Testimony is required regarding the removal of recyclable material and solid waste. Any waste receptacle area proposed should be designed in accordance with Section 18-809.E. of the UDO. (5) An existing security gate on the northeast side of the project is not shown. An existing fence on the southwest side of the project is shown. These security measures did not allow us to investigate the rear of the site during our 4/15/11 site visit. Based on the plans, it appears loading and deliveries take place within the security fencing areas of the site. Testimony on loading and deliveries should be provided. (6) No sight triangles associated with the existing and proposed vehicular site access points have been indicated. Furthermore, the parking spaces proposed in front of the main entrance may conflict with Rutgers Boulevard sight distances since they are close to the road on an inside curve. The applicant's engineer must check the proposed design. (7) Rutgers Boulevard is improved with utilities, curbing, and pavement. No sidewalk exists within the right-of-way and none is proposed. This is consistent with the other site plans in the Industrial Park. A note should be added to the plans to replace sections of curbing along the site frontage in need of replacement. (8) The proposed building coverage shall be revised to 37.7% since the Phase 2 building addition is being eliminated. (9) The proposed rear yard setback dimension of 64.8 feet shall be added to the Phase 3 building addition. (10) The proposed side yard and aggregate side yard setbacks shall be corrected on the site plan and in the Zone Requirements. (11) Proposed dimensions must be completed on the site plans for the requested amended Phase 2 improvements. **(B) Architectural (1)** No architectural plans were submitted for review. No changes to the existing building dimensions are proposed. The proposed amended site plan would eliminate the previously approved Phase 2 building addition. **(C) Grading (1)** A grading plan is provided on Sheet 3. Per review of the proposed grading plan, the design concept is feasible. Final grading can be addressed during compliance review, if/when approval is granted. (3) A proposed concrete pad will be added next to an existing concrete pad on the northeast side of the existing building. A wall is recommended instead of the forty-five degree sloped pavement proposed on the northwest side of the pad to make up the grade differential. **(D) Storm Water Management (1)** The Storm Water Management Report requires clarification as to whether the amended site plan is major development. Calculations are required as to whether the proposed project will result in the construction of less than a quarter acre of new impervious surface and less than one (1) acre of disturbance. (2) The existing storm water management area in the center of the site shall be expanded to the southwest to account for additional runoff from the proposed parking. The peak rate of runoff should be reduced for all required design storms. (3) Confirming testimony shall be provided that the operation and maintenance of the proposed storm water management system will be the responsibility of the applicant. **(E) Landscaping (1)** A phased Landscaping Plan has been provided for review. The plan references a previously approved Schoor DePalma plan. A copy of the Schoor DePalma plan must be provided for comparison purposes to determine what adjustments are necessary for the amended design. (2) Two (2) areas of proposed landscaping designated for Phase 4 Site Improvements should be accelerated to

Phase 2 Site Improvements since the locations border detention basin and parking expansion being constructed during Phase 2. The proposed landscaping around the Phase 4 building addition will not be impacted by this amended site plan. **(3)** Plant lists are required for Phases 2 and 4. **(4)** The Phase 2 landscape design is subject to review and approval by the Board. **(5)** The applicant has not provided a six foot (6') shade tree and utility easement along the property frontage, a sight distance easement along the interior curve of Rutgers Boulevard, and sight triangle easements for the existing and proposed site access driveways. **(6)** Final review of the landscape design can take place during compliance should amended site plan approval be granted. **(F) Lighting (1)** A previously approved Schoor DePalma Lighting Plan has been referenced. A copy of the Schoor DePalma plan must be provided for comparison purposes to determine what adjustments are necessary for the amended design. **(2)** Information should be provided on site lighting. There are proposed building mounted lighting fixtures for Phase 2, and existing pole mounted lighting fixtures to be relocated. A point to point diagram is recommended for these areas. The proposed lighting for Phases 3 and 4 will not be impacted by this amended site plan. **(3)** The Phase 2 lighting design is subject to review and approval by the Board. **(4)** Final review of the lighting design can take place during compliance should amended site plan approval be granted. **(G) Utilities (1)** Existing public water and sewer service is being provided by the Lakewood Township Municipal Utilities Authority. No new water and sewer services are being proposed. **(H) Signage (1)** An existing sign is located in front of the building and properly setback. No new proposed free-standing site identification sign or building signage has been provided on the site plans and no zoning information for existing or proposed signage has been provided. Testimony on signage should be provided. **(2)** All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with the Township Ordinance. **(I) Environmental (1) Environmental Impact Statement** No Environmental Impact Statement (EIS) was submitted for the project. To assess the site for environmental concerns, our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. Data layers were reviewed to evaluate potential environmental issues associated with development of this property. No environmentally-sensitive areas exist per available mapping. **(2) Tree Management Plan** No Tree Management Plan was submitted. The project must comply with Ordinance 2010-98, "Protection of Trees". **(J) Construction Details (1)** Construction details are provided on Sheet 5 of the plans. **(2)** All proposed construction details must comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete. **(3)** Corrections are required to the Parabolic Flow Channel Detail. **(4)** Minor corrections are required to the Chain Link Fence Detail. **(5)** The six and a half inch (6-1/2") dimension on the Depressed Concrete Curb Detail must be corrected. **(6)** Corrections are required on the Landscape Details. **(7)** Construction details must be added for the following: **(a)** Handicap Ramps and Signage. **(b)** Regulatory Signage. **(c)** Concrete Pad. **(d)** Trash Enclosure. **(8)** Final review of construction

details can take place during compliance should amended site plan approval be granted. **(III) Regulatory Agency Approvals**

Outside agency approvals for this project may include, but are not limited to the following: (a) Lakewood Township Industrial Commission; (b) Developers Agreement at the discretion of the Township; (c) Township Tree Ordinance (as applicable); (d) Ocean County Planning Board; (e) Ocean County Soil Conservation District; and (f) All other required outside agency approvals. **A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.**

Mr. William Stevens Esq. and Mr. Robert Clark on behalf of the applicant.

Chairman Neiman asks if all they want to do is add parking spots?

Mr. Stevens stated this is a facility known as Nitto Denko now, which previously known from the board members may recall is the Permacell facility, they make auto parts over on Rutgers University Blvd, they've been here for more than 20 years. As part of my work originally with Donald Smith's office working with Mr. Kielt, we did the original plans for the Permacell facility that was constructed. It's a wonderful company here in Lakewood, probably employs about 100 employees over 3 different shifts. This particular plan that you see is an amended site plan approval. Back in 2003, they had hired Shore Palma to do a site plan for them to permit 4 building additions. The first building addition which is shown shaded, was constructed. The other three buildings, one located just north of that is building 2, and the two shaded areas on either side of the building are building 3 & 4. Now they are proposing to remove the previously approved building addition #2, in favor of adding some parking as well as 2 other parking lots, but retain the two 16,000 sq ft additions. So in other words, we are going to lose one of the building additions, construct some new parking areas and still retain the right to construct the previously approved building additions that have not been constructed as of this date.

Chairman Neiman asks was there an extension necessary between the approval back then and now?

Mr. Stevens stated the zoning hasn't changed in my opinion if zoning doesn't change an extension really isn't necessary, but were here seeking amended site plan approval none the less for this particular plan.

Chairman Neiman stated that they originally had an approval to build back in 2003?

Mr. Stevens stated that's correct.

Chairman Neiman asks if there is any issue with that?

Mr. Vogt stated no issue, but just so the board is aware there are no variances, but there are design waivers.

Mr. Stevens stated there is one design waiver that Mr. Vogt points out that we have not proposed a curb the parking lot that is being proposed along the left side of the building. We are going to eliminate that request for waiver, we are going to curb that part.

Chairman Neiman asks any questions? Seeing none, asks for motion.

Motion made to advance application to June 28, 2011 meeting by Mr. Herzl and seconded by Mr. Percal.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mr. Arecchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Percal, yes.

Mr. Jackson announced that the above application has been advanced to the June 28th Meeting, this meeting room, no further notice is required.

- 6. SD # 1803** (Variance Requested)
Applicant: Eliezer Tress
Location: High Street, east of Route 9
Block 782 Lot 21
Minor Subdivision to create two (2) lots

This application was moved to the June 14, 2011 Planning Board Meeting. No further notice is required.

- 7. SD # 1804** (Variance Requested)
Applicant: Tzvi Dessler
Location: Carey Street, west of Lexington Avenue
Block 111 Lot 11
Minor Subdivision to create two (2) lots

Project Description

The applicant seeks minor subdivision approval to subdivide an existing 110' X 150' property totaling sixteen thousand five hundred square feet (16,500 SF) or 0.38 acres in area known as Lot 11 in Block 111 into two (2) new residential lots, designated as proposed Lots 11.01 and 11.02 on the subdivision plan. The site contains an existing dwelling. All existing improvements on the property will be removed. Proposed Lots 11.01 and 11.02 will become new residential building lots. Public water and sewer is available. The site is situated in the northern portion of the Township on the south side of Carey Street, west of its intersection with Lexington Avenue. The surrounding area is predominantly single-family residential. Carey Street is a paved road that has an existing right-of-way width of sixty feet (60') and a pavement width of thirty (30'). Curbing and sidewalk exists along the property

frontage. Variances will be required to create this subdivision. The lots are situated within the R-10 Single Family Residential Zone. We have the following comments and recommendations: (I) **Zoning** (1) The parcels are located in the R-10 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. (2) Per review of the Subdivision Map and the zone requirements, the following variances are requested: (a) Minimum Lot Area (proposed Lots 11.01 and 11.02, 7,500 SF and 9,000 SF respectively, 10,000 SF required) – proposed condition. (b) Minimum Lot Width (proposed Lots 11.01 and 11.02, 50 feet and 60 feet respectively, 75 feet required) – proposed condition. (c) Minimum Side Yard Setback (proposed Lots 11.01 and 11.02, 7.5 feet each, 10 feet required) – proposed condition. (d) Minimum Aggregate Side Yard Setback (proposed Lots 11.01 and 11.02, 15 feet each, 25 feet required) – proposed condition. (3) The applicant must address the positive and negative criteria in support of the requested variances. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Review Comments** (1) General Note #2 states that the outbound and topographic survey was prepared by Charles Surmonte P.E. & P.L.S. A revised copy of this survey should be provided which includes the missing driveway apron and concrete walk to the curb we observed during our 4/20/11 site investigation. (2) A Legend is required on the plans. (3) A gutter replacement is required along the frontage of the project to permit runoff to drain towards Lexington Avenue. The existing concrete curb and concrete sidewalk is in fair condition. We recommend that if approved, any curb or sidewalk along the frontage that is damaged be replaced as directed by the Township Engineer. (4) General Note #7 lists Tzvi Dessler as the applicant/owner. However, the application lists Albert and Miriam Betesh as the owners and the plan has owner signature blocks for Albert and Miriam Betesh. (5) The Zone Requirements list four (4) off-street parking spaces per dwelling required and four (4) spaces per lot proposed. The subdivision improvement plan proposes new asphalt driveways capable of providing four (4) off-street parking spaces per lot. (6) Testimony should be provided regarding whether basements are proposed for the future dwellings on proposed Lots 11.01 and 11.02. If basements are proposed, seasonal high water table information will be required. (7) Testimony should be provided regarding the number of bedrooms proposed for the future dwellings on Lots 11.01 and 11.02. Parking shall be in compliance with NJ R.S.I.S. and Township parking requirements. Parking shall be provided to the satisfaction of the Board. (8) A “pin to be set” shall be moved to intersect the proposed lot line. (9) The existing water meters noted are most likely a water shutoff and a sewer cleanout. (10) Per review of the proposed lot grading, minor revisions are necessary. However, the proposed concept is sound, maximizing runoff to the street and attempting to preserve existing trees. (11) Proposed lot and block numbers must be approved by the tax assessor’s office. (12) A proposed six foot (6’) wide shade tree and utility easement is shown along the property’s frontage. The easement dimensions shall be corrected and areas provided for the individual lots. (13) The design proposes to save three (3) large existing shade trees for the project which will be located within the proposed shade tree and utility easement. No additional trees are proposed. Landscaping should be provided to the satisfaction of

the Board, and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. The plans indicate a number of existing trees ten inch (10") diameter or greater within the site, some of which will be removed at time of construction. The design attempts to maximize the preservation of existing trees. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan Review for the proposed lots. (14) Testimony is required on the disposition of storm water from development of proposed Lots 11.01 and 11.02. (15) Due to no construction proposed at this time, the Board may wish to require the cost of the improvements to be bonded or placed in escrow to avoid replacing them in the future. (16) Compliance with the Map Filing Law is required. (17) We recommend a stabilized base course layer be used for the driveways. The stone and surface course thicknesses may be reduced. (18) The concrete sidewalk is five feet (5') wide and this shall be reflected in the construction details. (19) A "preformed" fiber joint filler shall be used in the concrete curb detail. (20) The eight inch (8") curb face shown on the depressed curb detail shall be corrected to six inches (6"). (21) Final review of construction details will be conducted during compliance if approval is given. (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Township Tree Ordinance (as applicable); (b) Ocean County Planning Board; (c) Ocean County Soil Conservation District (if necessary); and (d) All other required outside agency approvals. **A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.**

Mrs. Weinstein on behalf of applicant. We have some corrections, the schedule shows the front yard setbacks of the houses as 44 ft, in point of fact the setback will actually be 30 ft. The reason they were shown as 44 was to provide enough room for 4 parking spaces per unit, which we will do. But what we would like to do is simply set back the driveways further and keep the houses at 30 ft. That's conforming and we will make those corrections before we submit the plans for the final hearing. The only other item I believe is that we are going to be requesting that the lot coverage be 30%, which actually does require a variance, we do have a catch-all in the notice, but that will be one other change.

Chairman Neiman stated one of the things you will have to bring to the public hearing is the parcel map, we want to see that these variances that you're asking is consistent with the neighborhood.

Mrs. Weinstein stated absolutely, that will be part of our testimony at the public hearing.

Mr. Percal stated that you are proposing 2 lots, one a 3500 sq ft and the other 9,000 sq ft. and the 7500 sq ft lot you are also proposing 30% coverage?

Mrs. Weinstein stated yes, which is actually our standard in our 7.5. That's really the reason were requesting the 30% versus the 25%. Going to Terry's letter, almost everything we can comply with, just as far as number 4, which does mention a discrepancies between the owners the owner is in fact Tsvi and Mahumid Dessler and Albert 7 Miriam Betesh were the previous owners of this property. The applicants

purchased this property about a month ago, and originally when the plans were drawn up the Betesh's were still the owners but it is correct, and in fact the Dessler's are the owners of the property. And I can provide a copy of the deed if you need. As far as number 6, basements are being proposed for these units. Number 7, as far as the bedroom count, this really is only a minor subdivision approval, not a site plan approval so we don't have the exact architectural drawings for the houses but they will be typical houses, 5-6 bedrooms, we are providing 4 parking spaces per unit which should be sufficient as far as that goes.

Mr. Percal stated you are proposing houses that will have 5-6 bedrooms and they will have basements that will have an outside exit, I'm just wondering if with 5-6 bedrooms and a basement, if the parking spaces will be sufficient.

Mrs. Weinstein stated yes that's still 4 spaces. I mean we will certainly comply with whatever RSIS requires. The only other item is number 14 and I will ask Mr. Surmonte to address that.

Mr. Charles Surmonte stated the property raised in such a way that the only roof leaders that might pose a problem as to getting out into the street would be the back outside corners. If the roof planners such that we can't get all the water into the interior from the rear roof portions then the leaders in the back corners with the 2 lots might require drywells, but the rest of the roof will be able to drain into the street directly.

Mrs. Weinstein stated everything else we are good with, we will comply with everything.

Chairman Neiman asks for questions?

Mr. Banas stated he is troubled by the 30% coverage. To my knowledge we have never granted a resident to exceed 25% coverage, to go immediately to a 30% coverage is going way, way out of line. I have serious question about increasing the coverage of that property.

Mrs. Weinstein stated in the R75 zone, 30% lot coverage is the standard. So we are proposing a lot that is 7500 sq ft so we are asking for 30%.

Mr. Banas stated okay I stand corrected. You notice my concern about coverage. We did violate that, we did give a variance for several synagogues, they were just a little longer. For housing, I don't remember exceeding that, maybe we have but I'm not aware of it. But I've been corrected and I apologize for that.

Chairman Neiman asks what are the side setbacks in the R75 zone?

Mr. Vogt stated the side setback with 7 with an aggregate of 15.

Chairman Neiman stated they are okay with that also if this was an R75 with the setbacks?

Mrs. Weinstein stated yes we are essentially we are asking to conform to R75 standards in an R10 zone.

Chairman Neiman stated okay then you will really have to give testimony of other R75's in that 10,000 lot.

Mrs. Weinstein stated yes that is what our intention is.

Chairman Nieman asks for questions. Seeing none asks for motion.

Motion made to advance application to June 28, 2011 meeting by Mr. Herzl and seconded by Mr. Percal.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mr. Arecchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Percal, yes.

Mr. Jackson announced that the above application has been advanced to the June 28th Meeting, this meeting room, no further notice is required.

8. SP # 1951 (No Variance Requested)

Applicant: Tova Trust

Location: Second Street, between Clifton Avenue & Lexington Avenue
Block 120 Lot 3

Preliminary & Final Site Plan proposed addition to existing retail/office building

Project Description

The applicant is seeking Preliminary and Final Site Plan approval for the construction of a two-story building addition with unfinished basement to the existing retail/office building for additional retail and office space. The site is located within the downtown section of the Township and fronts on the north side of Second Street, east of Clifton Avenue. The property contains just less than seven thousand square feet (7,000 SF) or 0.16 acres. A two-story building with a basement exists on-site with retail use on the first floor, office use on the second floor, and parking/delivery behind the building. The applicant is proposing 8,897 square feet of addition space among the unfinished basement and two (2) floors. The proposed area for the unfinished basement is 2,991 square feet. The proposed area for the first floor retail use is 2,991 square feet which is planned to be divided among three (3) tenants. The proposed area for the second floor office use is 2,915 square feet which is also indicated to be divided among three (3) tenants. The site is developed and existing utilities are available to the project. The surrounding lands and roadways are all improved with commercial development. Existing sidewalk and curb front the site, and are also located on the east side of the property which is an access driveway to municipal parking. The site is located in the B-2 Central Business Zone. Retail and

office facilities are permitted uses in the zone. (A) **Zoning** (1) The site is situated within the B-2, Central Business Zone. Retail and offices are permitted uses in the Zone. (2) A seven foot (7') side yard setback with an aggregate of fifteen feet (15') is required. The ordinance indicates a side yard setback is not required between two (2) business uses. While a business use is located on the west side of the project, a municipal parking lot access driveway is located on the east side of the property. No side yard setbacks are proposed as the building addition intends to encompass the entire lot width. It is our opinion a side yard variance is required for the proposed zero foot (0') side yard setback from the east side of the project. Furthermore, it was observed during our 3/17/11 site investigation that the proposed building addition would cover existing doors and windows, and require the removal of roof drains and air conditioning units on the neighboring building to the west of the site. The applicant may wish to contact construction personnel to confirm the proposed footprint is permissible. (3) All non-residential uses in the B-2 Zone are exempt from parking requirements. (4) The applicant must address the positive and negative criteria in support of any required variances. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Review Comments** (A) **Site Plan/Circulation/Parking** (1) The General Notes indicate the Boundary and Topography were taken from a survey prepared by DVS & Associates, dated 12-1-10. A copy of this survey must be provided since we note a number of discrepancies. Most importantly, the width of the proposed building addition will exceed the existing lot width near the rear of the tract where the property narrows. Other physical features require correction such as utilities, signs, curb, and drainage. (2) An existing building wall connecting the existing market façade to the adjoining building on the site to the west must be added to the plan. Therefore, the proposed addition will make the side yard area on the west side of the market with the existing compressors and air conditioning units inaccessible. **Revisions are necessary.** (3) The proposed building addition will conflict with an existing basement access to the neighboring building on the west side of the project. Testimony is required as to how this conflict is being handled. (4) No loading or delivery areas are proposed. The current delivery operations taking place behind the building will be eliminated by the proposed addition. Testimony is required regarding **future** site operations, particularly deliveries for the retail uses. (5) Proposed building offsets must be clarified. The proposed side yard at the northeast corner of the addition is zero feet (0'), while the proposed side yard at the southeast corner of the addition is 0.4 feet. (6) The existing adjoining lots must be correctly shown on the site plan since off-site improvements are being undertaken on the property immediately east of the site. (7) The applicant proposes to replace the existing sidewalk which is in disrepair and partially located on the property, with new sidewalk adjacent the municipal parking lot driveway. Also, the depressed curb accessing the existing parking and delivery behind the current building will be replaced with full height curb. The new sidewalk will require the removal of existing trees and the relocation of existing signage, both of which are not shown on the site plan. (8) Existing and proposed building access points must be shown. The locations will impact the proposed sidewalk design. Sidewalk should be added behind the proposed addition since there will be building

access points at the rear of the addition. (9) The General Notes indicate solid waste and recycling to be collected by the Township. **Approval from the DPW Director is necessary.** Testimony is required from the applicant's professionals addressing trash and recycling collection. No waste receptacle area is shown. (10) A six foot (6') high stockade fence with a gate is proposed around the rear yard. Construction details are required. (11) No shade tree and utility easement exists or has been proposed since the building front yard setback is only a half foot (0.5') from the right-of-way line. (12) Minor corrections are required to the General Notes. (B) **Architectural** (1) Architectural floor plans and elevations have been provided for the proposed building addition. The proposed building addition includes two-stories and an unfinished basement. The proposed building height is twenty-one feet six inches (21'-6"). The allowable building height is sixty-five feet (65'). (2) No restrooms are proposed in the building addition. Restrooms must be added since the restrooms in the existing section of the building are not accessible by the future tenants of the addition. (3) The labeling of the Elevations need to be corrected. The Rear Elevation is the North Elevation. The North Side Elevation shall be revised to West Side Elevation. The South Side Elevation shall be revised to East Side Elevation. (4) The architect should provide testimony on handicapped accessibility. Testimony is required from the architect on the specific uses for the proposed individual floors, as well as the existing building.

(5) The applicant's professionals should provide testimony regarding the facades and treatments of the proposed new building addition. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. (6) We recommend that the location of proposed air conditioning equipment be shown. Said equipment should be adequately screened. (C) **Grading** (1) No proposed grading plan has been provided. Proposed elevations and contours are required to complete the project design. (2) Per review of the existing elevations and per review of site conditions during our 3/17/11 site investigation, on-site grades from the existing parking area behind the building slope eastward towards the municipal parking lot access driveway. (D) **Storm Water Management** (1) No storm water management system has been shown or designed for the site. The property is virtually impervious and small, being less than seven thousand square feet (7,000 SF). Testimony should be provided on the existing storm water management conditions. (E) **Landscaping** (1) No landscaping has been provided for the project. The only areas available for landscaping are the proposed rear yard and a strip of land adjacent the existing building. (2) Final landscape design (if any) is subject to Board approval and should conform to recommendations from the Township Shade Tree Commission as practicable. (F) **Lighting** An existing light pole is shown along Second Street in front of the building. No proposed lighting is depicted on of the plans. Testimony on site lighting should be provided from the applicant's professionals. (G) **Utilities** (1) The plans state that existing public water and sewer laterals to be reused. It appears new connections will be necessary unless major renovations are proposed to the plumbing of the existing building. Water and sewer approvals will be required from New Jersey American Water since the project is within their franchise area. (H) **Signage** (1) The Site Plan proposes no freestanding signage. The architectural plans indicate proposed wall sign locations on the east side of the proposed addition. No dimensions or details have been provided to

confirm that the signs comply with the ordinance requirements. (2) All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with Township ordinance. (I) **Environmental** (1) No Environmental Impact Statement (EIS) was prepared for this project since it is a developed site and the tract is less than seven thousand square feet (7,000 SF). (2) To assess the site for environmental concerns, our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. Data layers were reviewed to evaluate potential environmental issues associated with development of this property. No environmentally-sensitive areas exist per available mapping. (J) **Construction Details** (1) All proposed construction details must comply with applicable Township and/or applicable standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete. A detailed review of construction details will occur during compliance review; if/when this application is approved. (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Developers Agreement at the discretion of the Township; (b) Township Tree Ordinance (as applicable); (c) Ocean County Planning Board; (d) Ocean County Soil Conservation District (if applicable); and (e) All other required outside agency approvals. **A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.**

Opposing attorney Mr. Edward Liston on behalf of Vidy Realty, LLC. We are the owner of the adjoining building. We have been in talks with Mr. Brown, and through Mr. Brown his client, they have made an adjustment to their building to allow us 4 ft to access for maintenance purposes the side of our building and they are going to provide us with an easement and a convenient gate for that. We have a couple other issues to work out but basically I'm pretty confident they will be worked out by the time of the public hearing.

Mr. Brown Esq. on behalf of the applicant. As Mr. Liston just indicated, you may recall that this application was before you a little bit different, and it is now here with a 4 ft setback on the side of the addition such that the neighboring property owner could have continued access to his building as he had been enjoying up until now. There were some questions as to where under the UDO it is required but my clients, in an interest and in an effort to make this work and smooth and to be a good neighbor, did comply with the request of the neighbor. We have a few details that need to be worked out but I am confident that those can be worked out before the next meeting. There's nothing really extravagant about this, it's an addition in the back of an existing building, you have the plans before you and if there are any questions I'll be happy to entertain them.

Chairman Neiman asks have you had a chance to review the letter from Remington and Vernick dated March 23rd?

Mr. Brown stated yes Mr. Chairman, and there is nothing in there that causes me to have concern, I think we can comply with any of the issues raised. If there is anything you have to ask of Mr. Lions, feel free but otherwise I would recommend to keep this short.

Chairman Neiman asks for any questions? Seeing none he asks for a motion.

Motion made to advance application to June 28, 2011 meeting by Mr. Herzl and seconded by Mr. Percal.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mr. Arecchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Percal, yes.

Mr. Jackson announced that the above application has been advanced to the June 28th Meeting, this meeting room, no further notice is required.

6. CORRESPONDENCE

7. PUBLIC PORTION

8. APPROVAL OF THE MINUTES

Minutes from April 12, 2011 Planning Board Meeting.

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

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mr. Arecchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Percal, yes.

9. APPROVAL OF BILLS

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

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mr. Arecchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Percal, yes.

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Margaret Stazko
Planning Board Recording Secretary