

I. CERTIFICATION OF COMPLIANCE

Chairman Neiman called the meeting to order at 6:00 p.m. with the Pledge of Allegiance and Ms. Johnson 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

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in. Michael Elward Esq. was sitting in for John J. Jackson, Esq. in his absence.

4. MEMORIALIZATION OF RESOLUTION

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

Motion was made by Mr. Herzl, seconded by Mr. Fink, 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

5. PLAN REVIEW ITEMS

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- 1. SD # 1674 (Variance Requested)**
Applicant: Simon Baum
Location: Southwest corner of Vine Avenue & Oak Street
Block 1015 Lot 1.02
Minor Subdivision to create 3 lots

Mr. Vogt prepared a letter dated April 22, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide existing Lot 1.02 in Block 1015, into three (3) undersized residential lots. An existing dwelling is currently situated on-site which will remain on proposed Lot 1.03 as a part of this project. Single-family dwellings are proposed on proposed Lots 1.04 and 1.05 under this application. Proposed Lot 1.03 has frontage along Oak Street and Vine Avenue with the existing dwelling facing Oak Street. Proposed Lot 1.04 has frontage along Vine Avenue. Proposed Lot 1.05 has frontage along Vine Avenue and Audubon Avenue. However, Audubon Avenue is unimproved so the proposed dwelling will face Vine Avenue. The proposed lots are situated within the R-12, Single Family Residential Zone. The surrounding land uses west of Vine Avenue are predominantly residential. A New Jersey American Water Company facility is located on the east side of Vine Avenue. 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. Per review of the Subdivision Map and the zone requirements, lot area variances are requested for each lot in this application: Variances for minimum lot area are required. The Minor Subdivision proposes 10,186, 10,000, and 10,000 square feet for proposed Lots 1.03, 1.04, and 1.05 respectively, where the zoning requires 12,000 square feet. The applicant must address the positive and negative criteria in support of the requested variances. Existing Lot 1.02 has a non-conforming front yard setback of 28.8 feet along the Vine Avenue frontage of the property. This existing non-conformance will continue on proposed Lot 1.03 as part of this project. Review Comments-The NJ R.S.I.S. requires 2.5 off-street parking spaces for a single-family dwelling when the number of bedrooms is not specified. No specific data for the existing and proposed lots is provided. Therefore, the zoning table rounds up to three (3) off-street parking spaces being required for these lots. It appears the existing and proposed dwellings will have two-car garages and enough room for at least two (2) vehicles in each driveway. Therefore, a minimum of four (4) off-street parking spaces per lot are being provided. The footprints for the proposed dwellings are limited to 2,500 SF to comply with maximum building coverage. The plan indicates existing curb along Vine Avenue and Oak Street. Curb will need to be replaced at the proposed driveway locations along Vine Avenue. The existing curb west of the existing driveway along the Oak Street frontage is in poor condition and should be replaced. New sidewalk is proposed along the Oak Street frontage of the property. There is existing sidewalk along the Vine Avenue frontage and sections will need to be replaced at the proposed driveway locations. All existing utility connections to the existing dwelling on proposed Lot 1.03 are from the Oak Street frontage as evidenced by the existing pavement repairs, meters, and cleanout. The proposed water main on Vine Avenue shall be extended to the end of the property to allow for future extension. The size and type of pipe must be indicated. The applicant's engineer must confirm the existing utility locations to properly show proposed extensions and connections. Audubon Avenue is an unimproved street. No improvements are proposed for Audubon Avenue. Proposed grading shall be modified to maximize runoff being directed to Vine Avenue and minimize runoff being directed to neighboring Lot 1.01 to the rear of the proposed dwellings. Proposed construction details must be modified to comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and some corrections are required to the plan. The proposed lot numbers should be consistent with the numbers assigned by the Tax Assessor.

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An unlabelled shade tree and utility easement is depicted on the plan along the property frontage of Vine Avenue. Five (5) Village Green Zelkovas and underground utilities are proposed within the easement along Vine Avenue. The proposed easement shall be included along the Oak Street frontage even if no utilities or shade trees are proposed at this time. Sight triangle easements shall be added at the intersections. Compliance with the Map Filing Law is required. Should approval be granted, the monuments shown to be set must be in place prior to signing the map for filing with the County. In addition, a marker must be set at the angle point along the Oak Street frontage. 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 Approvals (NJAWC, prior to occupancy); Ocean County Soil Conservation District (if necessary); and All other required outside agency approvals. A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions. The applicant's professionals should contact our office to review the technical matters.

Miriam Weinstein Esq. appeared on behalf of the applicant with Mr. Surmonte as the engineer. Mrs. Weinstein said they are ready to comply with the recommendations from the board engineer but said the only comment is in regard to the water main extension. Mrs. Weinstein said NJAWCO does not typically require the applicant extend the line to the end of the property line but rather to the middle of the property and they certainly intend to comply with anything that NJAWCO would require of them and Mr. Vogt said that was fine. Mr. Surmonte had no additional comments but Mr. Vogt had a comment in reference to the Shade Tree Commission letter and Mr. Surmonte agreed to comply with suggestions from the Shade Tree except for the foundation plantings. He said that is a new suggestion and does not remember ever being asked that in the past but if it is to become a matter of practice he will get used to it. Mr. Vogt said typically that would go on a plot plan and Mr. Surmonte agreed. Mr. Vogt said he did not believe that tree surveys were required in minor subdivisions and Mr. Surmonte said they can provide it because in this particular case it is not too much of a burden for them. In conclusion, Mr. Surmonte said he would comply with the suggestions of the Shade Tree Commission with the exception of the foundation plantings, which will be provided during the plot plan phase.

Mr. Schmuckler asked if the Shade Tree Commission was asking if it was a wooded lot and he asked if it was and Mr. Vogt said the southern half is predominately wooded and said the applicant has shown trees as small as 10 in caliper shown. Mr. Neiman asked if they were going to comply with the recommendations from the board engineer and Mr. Surmonte said yes.

Mr. Franklin said at the last meeting the board asked for a map showing the lots surrounding the subject property along with the property owners. Mr. Surmonte agreed to do that.

Motion was made by Mr. Herzl, seconded by Mr. Fink, to advance to the meeting of June 16, 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. Akerman arrived at the meeting.

2. SD # 1676 (Variance Requested)
Applicant: Israel Klein
Location: Southwest corner of Emmanuel Drive (a/k/a/ West St) and Dr. Martin Luther King Drive

**Block 775 Lots 3.01, 11.01, 11.02 & 12
Minor Subdivision to create 3 duplex lots**

Mr. Vogt prepared a letter dated April 22, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide four (4) 50' X 150' (7,500 SF) single-family lots known as Block 775, Lots 3.01, 11.01, 11.02, and 12, into three (3) 66.67' X 150' (10,000 SF) duplex lots. The existing lots front Dr. Martin Luther King Drive with the northern most existing lot (3.01) also having frontage on Emmanuel Drive. There is an existing concrete retaining wall along the frontage of all lots, except for the corner lot, on Dr. Martin Luther King Drive. An abandoned existing one-story frame dwelling and the walls of an existing masonry garage are located on existing Lot 11.01. Existing driveways are located on all the existing lots with access to Dr. Martin Luther King Drive from existing Lots 11.02 and 12, and access to Emmanuel Drive from existing Lot 3.01. All these improvements, including fencing, will be removed as part of this application. However, the status of the existing concrete retaining wall is not clear. Since it is in marginal condition, we assume it will be removed and the property grading in conjunction with the site clearing. No new construction is proposed under this application. Proposed Lots 11.03 – 11.05 will have frontage along the west side of Dr. Martin Luther King Drive. Proposed Lot 11.03 will also have frontage along the south side of Emmanuel Drive. The proposed lots are situated within the R-7.5, Residential Zone. The site is mainly bordered by vacant and residential lands. We have the following comments and recommendations: Zoning- The parcels are located in the R-7.5 Residential Zone. Chapter 18, Section 902.G.1.b, permits two-family and duplex housing, with a minimum lot size of 10,000 square feet. Per review of the Subdivision Map and the zone requirements, a front yard setback variance is requested for proposed Lot 11.03 in this application. A front yard setback of twenty-five feet (25') is required. Proposed Lot 11.03 is a corner lot. The twenty-five foot (25') front yard setback is provided from Dr. Martin Luther King Drive, and a fifteen foot (15') front yard setback is provided from Emmanuel Drive. The applicant should address the positive and negative criteria for the required variance. Review Comments- The NJ R.S.I.S. requires 2.5 off-street parking spaces for each duplex unit when the number of bedrooms is not specified. Therefore, five (5) off-street parking spaces are required for each lot. The schedule of bulk requirements indicates that three (3) off-street parking spaces per unit will be provided, six (6) off-street parking spaces per lot. The footprints for the proposed dwellings are limited to 3,000 SF to comply with maximum building coverage. The plan indicates existing curb and sidewalk along Dr. Martin Luther King Drive. No curb and sidewalk exists along Emmanuel Drive and none is proposed. Should the Board require curb and sidewalk to be constructed along the Emmanuel Drive frontage, we recommend the curb be installed along the existing edge of pavement, which is 16.3' from the centerline of the right-of-way. In this manner the narrow pavement width of 24.3' would not be further compromised. The existing curb and sidewalk along Dr. Martin Luther King Drive is old and worn. The curb has little face reveal and the sidewalk abuts the retaining wall. Considering the present condition of the curb and sidewalk and the amount which would have to be replaced when the site is cleared and duplex unit driveways are installed, we recommend the entire two hundred foot (200') length of curb and sidewalk be replaced. Due to no construction of new dwellings being proposed on proposed Lots 11.03 – 11.05, the Board may wish to require the cost of the curb replacement, driveway aprons, and sidewalk improvements along Dr. Martin Luther King Drive to be bonded or placed in escrow to avoid replacing them at the time new curb cuts and driveway aprons are installed. Alternately, the plans can be revised to locate the future curb cuts, allowing the installation of depressed curb and driveway apron at this time. Per review of the plan, public water and sewer appear available within Dr. Martin Luther King Drive. Public water and sanitary sewer service is to be provided by New Jersey American Water Company. Proposed construction details must be added to the plan and comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and

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justification for relief). The proposed lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. An existing six foot (6') wide shade tree easement has been depicted on the plan along all property frontages. An existing sight triangle easement has been shown at the intersecting streets of Dr. Martin Luther King Drive and Emmanuel Drive. Compliance with the Map Filing Law is required. Subject to the approval of this application, the property corners along Dr. Martin Luther King Drive will need to be replaced with corner markers. 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 Approvals (NJAWC, prior to occupancy); Ocean County Soil Conservation District (if necessary); and All other required outside agency approvals. A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.

Brian Flannery appeared on behalf of the applicant. He said all the technical items will be addressed and they will provide testimony for the variances at the public hearing.

Mr. Schmuckler asked about the parking and wanted to know the number of spaces they are providing and Mr. Flannery said they are proposing 6 parking spaces per lot (per duplex). Mr. Neiman asked if there were basements in the duplexes and Mr. Flannery said they are asking for a minor subdivision at this point and they don't have plans for the duplex. They have 3- 7,500 sf lots and they want 2 – 10,000 sf lots. When someone comes in with the plans, they will have to submit to the town and engineering reviews that for compliance for parking.

Motion was made by Mr. Schmuckler, seconded by Mr. Akerman, to advance to the meeting of June 16, 2009

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

3. SD # 1677 (Variance Requested)
Applicant: Israel Klein
Location: Southwest corner of Warren Avenue & Emmanuel Dr. (a/k/a/ West St)
Block 775 Lots 3.02, 4.01, 4.02
Minor Subdivision to create 2 duplex lots

Mr. Vogt prepared a letter dated April 22, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide three (3) 50' X 150' (7,500 SF) single-family lots known as Block 775, Lots 3.02, 4.01, and 4.02 into two (2) duplex lots of 67' X 150' (10,050 SF) and 83' X150' (12,450 SF) dimensions. The existing lots front Warren Avenue with the northern most existing lot (3.02) also having frontage on Emmanuel Drive. The existing lots are vacant with the exception of an existing dirt driveway and fence located on existing Lot 4.01. The fence will be removed as part of this application. No construction is proposed under this application. Proposed Lots 4.03 and 4.04 will have frontage along the east side of Warren Avenue. Proposed Lot 4.03 will also have frontage along the south side of Emmanuel Drive. The proposed lots are situated within the R-7.5, Residential Zone. The site is mainly bordered by vacant and residential lands. We have the following comments and recommendations: Zoning- The parcels are located in the R-7.5 Residential Zone. Chapter 18, Section 902.G.1.b, permits two-family and duplex housing, with a minimum lot size of 10,000 square feet. Per review of the Subdivision Map and the zone requirements, a front yard setback variance is requested for proposed Lot 4.03 in this application. A front yard setback of twenty-five feet (25') is required. Proposed Lot 4.03 is a

corner lot. The twenty-five foot (25') front yard setback is provided from Warren Avenue, and a fifteen foot (15') front yard setback is provided from Emmanuel Drive. The applicant should address the positive and negative criteria for the required variance. Review Comments- The NJ R.S.I.S. requires 2.5 off-street parking spaces for each duplex unit when the number of bedrooms is not specified. Therefore, five (5) off-street parking spaces are required for each lot. The schedule of bulk requirements indicates that three (3) off-street parking spaces per unit will be provided, six (6) off-street parking spaces per lot. The footprints for the proposed dwellings on proposed Lots 4.03 and 4.04 are limited to 3,735 SF and 3,015 SF respectively, to comply with maximum building coverage. No curb and sidewalk exists along Warren Avenue and Emmanuel Drive and none is proposed. Should the Board require curb and sidewalk to be constructed, we recommend the following: Along the Emmanuel Drive frontage, we recommend the curb be installed along the existing edge of pavement, which is 16.3' from the centerline of the right-of-way. In this manner the narrow pavement width of 24.3' would not be further compromised. Along the Warren Avenue frontage, we recommend the curb be installed to provide a thirty foot (30') pavement width, consistent with surrounding development. New residential construction is being undertaken on the west side of Warren Avenue opposite this site. The existing edge of pavement in front of this site is jagged and pavement replacement is recommended. Due to no construction of new dwellings being proposed on proposed Lots 4.03 and 4.04, the Board may wish to require the cost of any improvements required along Warren Avenue and Emmanuel Drive to be bonded or placed in escrow to avoid replacing improvements at the time of new dwelling construction. Per review of the plan, public water and sewer appear available within Warren Avenue. Public water and sanitary sewer service is to be provided by New Jersey American Water Company. Proposed construction details must be added to the plan and comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). The proposed lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. An existing six foot (6') wide shade tree easement has been depicted on the plan along all property frontages. An existing sight triangle easement has been shown at the intersecting streets of Warren Avenue and Emmanuel Drive. Compliance with the Map Filing Law is required. 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 Approvals (NJAWC, prior to occupancy); Ocean County Soil Conservation District (if necessary); and All other required outside agency approvals. A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.

Brian Flannery appeared on behalf of the applicant. He said all they will satisfy all the technical items will provide testimony for the variances at the public hearing.

Motion was made by Mr. Akerman, seconded by Mr. Fink, to advance to the meeting of June 16, 2009

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

6. PUBLIC HEARING ITEMS

- 1. SP # 1778A (Variance Requested)**

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Applicant: Woodhaven Lumber
Location: James Street, west of Sunset Road
Block 345 Lot 11
Preliminary & Final Site Plan for proposed service garage

Mr. Vogt prepared a letter dated April 15, 2009 and is entered in its entirety. The applicant is seeking Preliminary and Final Site Plan approval to construct an 8,100 SF service garage at the above-referenced location. The existing tract covers 34.6 acres, containing an existing 10,083 SF one story masonry office building with seventy-six (76) delineated spaces attached, a one story masonry garage of 2,417 SF, a one story masonry warehouse of 173,919 SF, and a one story masonry garage of 9,596 SF. The tract also includes undesignated gravel parking areas throughout, an aboveground fuel tank, several stockpiles of building materials, and a side track for delivery of building materials by rail. The property is located in the western portion of the Township bordered by James Street to the north, and the New Jersey Southern Branch Main Line to the south. The area directly across James Street to the north is a residential zone, containing primarily residential uses. The uses to the east, south, and west of the site are industrial uses and/or zoned industrial. The applicant has previously sought and received several completeness waivers at the Plan Review Meeting of February 3, 2009. We have the following comments and recommendations per review of the current application and comments from the February 3, and March 3, 2009 Plan Review Meetings: Zoning - The site is situated within the M-1, Industrial Zone. The existing uses (lumber yard, office building, and garages) and the proposed garage are all permitted uses within the M-1 Zone. *Fact.* Per review of the site plans and application, the applicant has requested a variance for parking, providing seventy-six (76) parking spaces where the ordinance calls for one hundred thirty (130) spaces. The calculation of one hundred thirty (130) spaces is based upon the calculation of one space per employee (110 employees) plus twenty (20) spaces for executives listed for industrial buildings greater than 50,000 square feet. Our office notes that Section 18-903 M. 6. g., calls for the number of spaces to be as calculated or one space per 400 square feet of floor area, whichever is greater. One space per 400 square feet with the total area of 204,115 SF yields a parking requirement of 511 spaces. We recognize that the bulk of the parking area is undesignated gravel that currently exists and per submitted documents provides sufficient parking in the existing condition. The applicant's professionals shall provide testimony addressing the positive and negative criteria of the requested variance. *The parking calculations have been revised to provide for the existing conditions and an existing non-conformity has been noted. Additional calculations have been provided for the proposed garage facility and additional undesignated parking has been illustrated on the plan to show that the parking requirements for the garage can be met.* According to Section 18-903 M. 6. c., the required minimum front yard setback is 50 or 100 feet. The existing condition for the frontage along Evelyn Avenue is 40.9 feet. This is a pre-existing non-conformity. *Fact.* Review Comments- Site Plan/Circulation/Parking- No handicapped spaces are depicted on the plans. The applicant should address ADA barrier-free requirements for handicapped parking, including van accessible parking, or seek the appropriate waiver. Details should be added to the plans as necessary. *A paved van accessible handicapped parking space has been proposed on the south side of the proposed garage facility. The appropriate details have been added to the plans. The length of the space needs to be designated.* No trash or refuse enclosures are depicted on the plans for the existing buildings or the proposed building. Testimony must be provided as to existing and proposed refuse handling and disposal, and appropriate details added to the plans. *A proposed dumpster area has been depicted at the southeast corner of the proposed garage. Dimensioning and details shall be provided as well as testimony concerning the adequacy of existing and proposed refuse handling.* The applicant shall provide testimony as to whether the proposed garage area is meant to be accessed by the public, such as outside

contractors. *The proposed garage will be restricted to service the Woodhaven Lumber Fleet, which includes trucks, service vehicles, and cars. At the current time, the fleet is approximately one hundred twenty (120) vehicles.* Truck circulation has been demonstrated in the area of the proposed project. However, we recommend that testimony be provided in regards to pedestrian circulation to and from the portion of the site being redeveloped. The Board may wish to require warning signage be installed to mitigate hazards where trucks and pedestrians will both be traveling throughout the site. *Adequate parking has been provided for the employees that will service the proposed garage and they will not be required to traverse the lumber yard.* We defer to the Fire Official in regards to the adequacy of emergency access and fire suppression capability. Testimony should be provided as to whether the proposed garage is to be equipped with sprinklers or not. *The proposed garage facility will not have a fire suppression system unless required by code. Fire extinguishers will be provided within the building.* The applicant shall provide testimony in regards to the proposed garage compared to the two other garage structures existing on the site, such as what tasks are performed at the existing garages compared to what tasks will be performed at the proposed garage. *The proposed garage will be restricted to service Woodhaven Fleet Vehicles. The other existing garages structures on-site are currently used to store forklifts for protection and material such as sheet rock, which should not be exposed to the elements.* The applicant shall provide testimony as to the proposed washing equipment or activities to be performed in the proposed new garage, in regards to potential environmental concerns posed by the used wash water. *Vehicles will be washed within the limits of the Woodhaven Service Garage. Runoff from the wash will be collected via a floor drain and will be conveyed to a reclaim tank system. Each reclaim tank is provided with an oil/water separator and the last unit will serve as a reclaim unit as up to ninety-five percent (95%) of the water in the wash facility is reused. The five percent (5%) of water that is not reclaimed will be discharge to the sanitary sewer. Review of the recovery system detail reveals the outlet does not match the sanitary sewer lateral size.* The applicant shall provide testimony as to the storage, handling and disposal of any potential hazardous materials associated with the maintenance activities proposed for the garage, such as handling and disposal of used oil. *The applicant will be providing an above ground storage tank within the garage to handle the disposal of the oil. This tank will be a five hundred (500) gallon double walled system that meets NJDEP requirements. The waste oil will be removed by "Tonks" waste oil service out of Toms River.* Architectural- Testimony should be provided as to whether any roof-mounted HVAC equipment is proposed. If so, said equipment should be adequately screened. *An HVAC pad has been shown at the southwest corner of the building. Arborvitaes have been provided to screen the HVAC unit.* Grading - The proposed grading appears sufficient to accomplish positive drainage of the site. *Fact.* Stormwater Management- The submitted drainage statement notes that, according to the NJDEP Frequently Asked Questions website, the existing gravel area can be recognized by NJDEP as impervious surface if it can be demonstrated that it behaves as such. Due to the storage of bulk materials and truck traffic, the gravel surface is compacted and behaves as an impervious surface, to the point that the applicant was forced to install storm inlets and piping to convey stormwater from the site because it was not infiltrating through the gravel layer. Since the applicant considers the existing gravel to be impervious, the proposed garage will not increase impervious coverage and the disturbance is less than one (1) acre. Therefore the applicant contends that the project is not subject to water quality, groundwater recharge, or runoff reduction requirements listed in NJAC 7:8. Our office has no objection to this conclusion. *Fact.* The applicant shall provide testimony as to locations of roof drains on the proposed garage building and include them on the architectural. Splash blocks or similar structures should be added or specified. *The roof leader locations and splash block details have been shown on the site plan drawings.* Landscaping- No landscaping buffer screening is provided at the east property line, where the UDO calls for a twenty-five foot buffer from the property line to the proposed use. Our offices notes that the circulation plan depicts a

truck passing through portions of the marked landscaping buffer, so plantings are not proposed. A waiver is required. *The applicant is requesting a waiver from providing landscaping at the easterly property line to the adjacent site which is zoned M-1 (Industrial).* The overall landscape design is subject to review and approval by the Board. *Fact.* The applicant has proposed to supply eleven (11) Douglas fir trees to replace trees that will be removed in the course of installing the proposed underground utility connections out to James Street. *Fact.* Lighting- No lighting data for the existing or proposed condition has been provided. Details should be added to the plans depicting existing and proposed lighting, lighting levels, and hours of operation and methods of control of the lights. *Details have been provided of the proposed lighting on the proposed garage facility. The lights will be limited to building mounted fixtures that will illuminate the garage entrances and man doors. No lighting has been provided on the north face of the facility in order to mitigate any impact to the residential homes located beyond James Street. However, the site is already screened and the proposed lights on the east and west sides of the proposed garage would be just as visible. The lights will be restricted to the hours of operation.* Utilities-Projected sewer flow calculations must be provided, and availability of sufficient capacity confirmed. *The sanitary sewer flow calculations have been provided on the Grading, Drainage & Utility Plan and are minimal.* The proposed sanitary sewer connection is not depicted according to the utility legend supplied on the plans. A number of the depicted utilities on Sheet #5 do not match the utility legend. The plans must be revised to clarify the existing and proposed utilities. *The proposed sanitary sewer connection has been revised in accordance with the utility legend. Additionally, all the utilities have been labeled correctly.* Signage- No signage information is provided. A full signage package for free-standing and building-mounted signs both existing and proposed must be provided for review and approval as part of the site plan application. *No new signage is proposed for this application and the applicant requests a waiver from providing any existing signage information.* 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 with the exception of wooded portions in the northwestern corner of the property, as well as wooded buffer areas along the northern and southern property lines. *Fact.* Environmental Impact Statement- An Environmental Impact Statement (EIS) has been submitted for review. The EIS is generally well-prepared. No significant environmental impacts are anticipated from the proposed development. *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 redevelopment activities be removed and/or remediated in accordance with State and local standards. *The applicant has requested a waiver from providing a Phase I Study.* Construction Details - Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. *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 (NJAWC); Ocean County Soil Conservation District; and; All other required outside agency approvals. *Ocean County Planning Board Approval and Ocean County Soil Conservation District Certification were granted on 2/4/09. Evidence of submission to NJAWC is required. Subject to approval by the Board, a resolution compliance submission should be provided, including a point-by-point summary letter of revisions.*

Mr. Neiman had a question because on the agenda it says it needs a variance but the review letter does not mention one. Mr. Vogt said there is a pre existing variance for parking and setback for the lumber building.

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Philip San Filippo Esq. appeared on behalf of the applicant with John Palus of Dynamic Engineering. Mr. San Filippo said they did call out a variance in their notice for parking because according to the ordinance, based upon the total square footage of all the buildings on the site now and what is proposed, it would seem that they need 493 spaces. He said during the technical review meeting they indicated this type of facility would not require that many spaces.

Mr. Palus entered exhibit A1 which is an aerial exhibit of the subject site and exhibit A2 which is a rendering of the site plan. Mr. Palus said the property encompasses 34.6 acres located in the M-1 zone. The site is currently developed as Woodhaven Lumber and it has 4 primary structures on site: a 10,083 sf office and showroom which is 40.9 ft. from Woodlawn Avenue which is an existing non conformity. There is also a 2,417 sf masonry garage; 9,596 sf masonry garage and storage area; and a 173,919 sf warehouse which is located at the southwest corner of the property. The existing showroom has 76 paved delineated parking spaces and there is also a large gravel area located to the south and southwest of that which is un-delineated parking for contractors but because it is un-delineated, they only have 76 parking spaces so there is a variance under the existing conditions for the existing uses on site. There is a large gravel stockyard on the eastern half of the subject property where there is outdoor storage. To the north of the subject property is James Street and residential beyond; the property to the west, south and the east is all industrial zoned: to the south is the railroad and to the east is a new development currently under construction.

Mr. Palus said the application is for a permitted accessory use in the M1 zone for an 8,100 sf garage facility which will be located at the eastern portion of the site. He used exhibit A2 to describe the location and the colors associated in the rendering for the building (orange) the gravel (gray) and the vegetation (green) and stockpiles (dark brown). The proposed building is 138 ft. from James Street within the stockyard area. The garage will have 3 garage doors for entrance and exit and can accommodate a wheel base 65 vehicle. They are proposing 21 parking spaces, one of which will be delineated and paved for handicapped accessibility and will be located on the south side of the building. The remaining 20 un-delineated spaces- 4 located on the south side of the building and 16 located to the north, adjacent to the vegetated area and this complies with the ordinance for 8,100 sf garage facility. On the south side of the building there is a small dumpster area and an HVAC unit for the building. They are proposing landscaping on both sides for additional buffering. There is also a washing facility to wash the fleet vehicles which will be collected by a floor drain and conveyed to an oil water separator so that it is not running out to the storm sewer. That water will be reused and whatever does not will get vacuumed out and discharged to the sanitary sewer. Within the building there will be an above ground, double walled, 500 gal. waste oil tank. No signage is proposed for this application. Mr. Palus said in order to put in utilities, they are proposing a cut through to James Street and will replace the trees that will be removed and they are proposing 11 Douglas Firs in a staggered row to enhance the buffer. He said the existing buffer is approximately 90 ft. in depth and the ordinance requires 50 ft. so they have almost twice what the ordinance requires.

Mr. Neiman asked the use of the garage and the hours of operation and Mr. San Filippo said he has the service manager to testify to the hours of operation. Mr. Palus said the lighting is for safety purposes and they provided 3 small 150 watt wall packs on the east side of the building and 3 on the west side and those will be strictly for the hours of operation. They have not put any on the north side to mitigate any impact on the residential area beyond James Street. They have filed an application to the Ocean County Planning Board and they have certification from the Ocean County Soils Conservation District.

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Mr. Palus said the existing Woodhaven Lumber is a permitted use and the proposed garage is a permitted use and the aspect of the garage does not create any new variances.

Mr. Neiman asked if there is proposed curb and sidewalk and Mr. Palus said no. and Mr. Neiman said they will be asking for that. Mr. San Filippo said there is curb existing now. Mr. San Filippo asked Mr. Palus about the parking variance that would be required by the strict reading of the ordinance and Mr. Palus said that pertains to the existing buildings on site and the demand for that. The showroom, which is the one part that is opened to the public, has the 76 parking spaces allotted for that. The remainder of the space is a large warehouse and an outdoor warehouse facility and to apply 1 space per 400 sf really doesn't apply because this is a warehouse facility that cars pick up and are loading from trucks and leaving from there. Contractors are pulling out where you have the un-delineated gravel parking area so there is substantial parking. Mr. Palus said this site exists today and the parking meets their demand today.

Mr. Fink said the gravel parking area is noisy and asked if they had any intention of paving that. He also walked around the perimeter of the lot and recommended that area be paved because it will bring down the noise factor. Mr. Palus said there is a paved access aisle from the showroom back to the warehouse. Mr. Fink said on the side there are cars parked there and that area should be paved. Mr. San Filippo said the office building buffers that noise from James Street and Mr. Fink said when you have more than one car driving on it, it is noisy and during the winter when the trees are bare the noise can be heard towards James Street. Mr. Palus said the nearest gravel area is 600 ft. from James Street.

Mr. Banas asked them to show him where the showroom is on the plans. Mr. Palus entered exhibit A3 which is a colored rendering of sheet 3 of 8. Mr. Schmuckler asked them to show him the route of the vehicles and asked if this facility would be servicing just the vehicle from this Woodhaven complex or other Woodhaven complexes as well and Mr. San Filippo said the vehicles that are used at the Pt. Pleasant facility and the Manahawkin facility as well as Lakewood would be brought to this location when they need service and maintenance, but they would all be Woodhaven vehicles. Mr. Palus showed the path of travel of the vehicles. Mr. Schmuckler asked why they did not put the garage back near the warehouse so they can go straight in and straight out. Mr. Palus said they wanted to separate it from the retail aspect and the trucks already come here and are circulating through the yard already so it is not a major problem for them to do that and there is railroad siding along the south side and they do a lot of loading and unloading from the railroad so you have to keep that open. The use of the garage is very minimal; this is something that at most will see 9-10 vehicles a week. Mr. Schmuckler said the audience would not be this large if they didn't have the facility so close to the street and he asked if there was any place else that they could locate the garage further from James Street that would make it more appeasable to the neighborhood. Mr. San Filippo said in planning this the applicant made sure that it complied with all the ordinance setback standards and the applicant was trying to locate it in an area where it would be as far removed from the public area as possible and still have the benefit of the tree buffer on James Street which is 90 ft. wide as well as significantly set back from James Street. This also continues the utilization of the rail yard which has rail cars there now being off loaded.

Mr. Schmuckler asked what they use the one story masonry garage for and was told it contained sheetrock and was a protected area for supplies that should not be in the rain. Mr. Schmuckler said it looks to him that they can pull the garage down about 300 ft. and connect the garages and asked if there was existing utilities there now and Mr. Palus said he did not believe so.

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Mr. Neiman said even though this is a permitted use and it is in the M1 zone, this is right across the street from a residential area and just like they want to service their area best and they don't want it near their showroom because it might be an eyesore for the showroom, you also have to take into consideration the neighborhood too. He does not think the neighbors are opposed to an accessory use for their project but the board wants to work with the applicant to come up with the best place for the neighborhood, for the applicant, where it wouldn't really affect the neighbors. It is a very quiet neighborhood and from what he understands, trucks come in very early in the morning going to the front of the site does cause a lot of noise and adds to the air pollution, noise pollution, etc. He knows they really can't say no to an application that is permitted but as planners and a board who tries to listen to both developers and try to keep a neighborhood sound they sometimes ask developers to find a better location for that area. It is a very big piece of property and there are trees in the front but those trees are nothing. He does that think that it will suffice to keep the noise pollution down and keep it as a structure that could be good both for the applicant and the neighborhood and if they were here for 4 hours and listen to all the testimony from everyone that is probably what is going to be the message conveyed by the audience on this project. Mr. San Filippo said he can appreciate that and he can also appreciate the fact that just as no one's house stays the same if they are ambitious about how they maintain their house or expand their house it is no different for a commercial property owner in a commercial zone located across the street from a residential zone that they periodically are going to upgrade their property to maintain it and keep it competitive within their industry and that is what the applicant is trying to do.

Mr. Neiman said if someone wants to make an addition to their house there area variances and setbacks and rules and regulations that they have to follow they just can't make an addition. He agrees there are neighborhoods that change, smaller homes turn into bigger homes, but when you do have a neighborhood like this where it is been there for years, to try to come up with another area on this 34+ acre piece of land, he thinks that is something that they can ask an applicant to try to do. Mr. Fink said there is an existing building and where you are proposing to build this is in front of the existing building. There was confusion as to what building he was talking about but once determined, Mr. Fink asked why don't they take the proposed building and put it behind the existing building and Mr. San Filippo said they can't because there is a railroad siding there and Mr. Fink asked about putting it on the side of it and Mr. San Filippo said there is a small building there as well. Mr. Fink said instead of building it up front towards James Street is there an area in the back where they can build that so it is further back from James Street.

Mr. Akerman said the trucks drive there a lot and turn around there and they use that area as well. Mr. Palus agreed and said they use that area for circulation between the road and Mr. Akerman asked what was between the storage garage and the proposed facility and Mr. Palus said there is a large storage pile there and Mr. Akerman asked if they can move it. Mr. San Filippo said that could be done, there is an extension of utilities which is proposed as part of this application from James Street and they can be extended further. The other thing that they have to take a look at is the drainage within the yard area; they have a system to pick up the water and channel it into basins. Mr. Akerman asked is there anything else they can do for noise prevention or to shield it from the public if they can't move it back. Mr. San Filippo said the 90 ft. tree buffer is, depending on the season, sometimes full and sometimes spindly and said they can do some supplemental landscaping but in terms of the building having a wall, that wall is facing those residents so they are going to see that. Mr. San Filippo said there is no lighting on that side and while they may see the garage doors, the applicant can close the garage doors on the west side so that any noise that would come out of the building will come out the opposite side towards the industrial area.

Mr. Fink said if they did move it back as Mr. Akerman suggested, how many more feet would that bring the building back and Mr. Palus said if they move it to where the large pile, it would be another 220 ft.

Mr. Elward said he wanted to be clear and said it is their intention that this facility is a permitted accessory use and Mr. San Filippo said yes. Mr. Elward asked if it was going to service trucks from other locations and Mr. San Filippo said it is going to serve trucks that are used in the operation of Woodhaven Lumber. Mr. Elward said the ordinance requires that it be accessory to the principle use on that lot. Mr. Elward said it struck him when they were testifying that trucks from other locations were coming and Mr. Palus said it is Woodhaven Lumber locations and Mr. Elward said he wondered if the ordinance considers that a permitted accessory use within the meaning of the ordinance.

Mrs. Koutsouris left the meeting at 6:55 p.m.

Mr. Banas asked them to identify where their showroom is and when he was shown he asked them to tell him again why they have just 76 parking spaces where 130 are required and asked if that was a variance granted in the previous application. Mr. San Filippo said he does not know if there was a prior application, he knows that this was a facility which was owned and operated by LeveLine and Woodhaven Lumber purchased the location so the office building/showroom is pre existing and this board approved that facility with that number of spaces and he thinks the number of spaces were based upon its' use as an office/showroom. Mr. Banas said they identified the calculation was 1 space per employee and 110 employees and asked if that is the number of employees they have and Mr. San Filippo said they did that calculation and the narrative of development that accompanied the application and statement of variance originally submitted used that standard because they felt that was the standard that was applicable. The board's engineer called out the fact that in a very strict reading of the ordinance, as many as 490 spaces could be required on the basis of one space per 400 sf. That is a very strict reading of the ordinance because this is not a big box store like Lowe's or Home Depot, this is a warehouse building where if you were to ask for something, they would bring it to you, they would put it in your vehicle and you would pay for it and leave. Therefore, it seems to them that it is reasonable that a strict reading of the ordinance is not applicable in this situation. That same analysis would hold true for a shed that holds plywood or materials that are to be kept out of the rain. The public does not go and get that sheetrock, it is brought to their vehicle so to say that that space should be calculated for purposes of parking is not practical and is an unreasonable reading of the ordinance when you apply it to this particular use and this situation.

Mr. Banas said they have been trying to get a resolution to the number of parking spaces they need throughout the municipality for different types of industries and they are in the process of selecting that. So far, all they have seen in 1 parking space for every 100 sf. and 1 for every 300 sf. and you come in with 1 for every 400 sf. which throws the whole idea asunder. He asked if they can correct a situation such as this and if they need 130 spaces as they have indicated, he said they should develop this with 130 spaces; you have the room, so he asked them to identify where those spaces are, delineate it and then treat it as parking spots. He said the testimony that Mr. Fink gave at the beginning of his questioning about the noise created by the gravel and said they can eliminate that and provide the necessary spaces to eliminate a variance. Mr. Fink said there are cars parked there anyway so there is ample parking there so it should be paved.

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Mr. San Filippo asked if the board was asking the applicant to achieve 130 spaces and Mr. Fink said they have so much space there. Mr. Akerman said he never had a parking issue and if they delineate the spots and they find that there are 80 or 85 spaces, there is more than enough parking. Mr. Banas said if he could get more parking spaces, eliminate the gravel and sound, and come close to what the variance calls for he would be happy. Mr. Neiman agreed. Mr. San Filippo wanted the board to agree that what they were talking about is 130 spaces and Mr. Neiman said as close to the 130 spaces as they can get.

Mr. Schmuckler said he looked at the ordinance and he asked the board attorney if this is a permitted use because he does not think that this belongs in front of the planning board. He said if this is not an accessory use to this site and they are servicing vehicles from other sites it is not a permitted use. Mr. Elward said if the board determines that it is not a permitted use, he thinks it would not be unreasonable to interpret this application as not being an accessory use given the fact that they will be bringing in vehicles from all the Woodhaven sites in the state. Mr. San Filippo said his support for that is twofold; one- Section 18-903 M2 f says garages and maintenance shops for vehicles used in connection with the operation of the principle use, it doesn't say "on this site". Mr. San Filippo continued and said in section I it says "executive offices as headquarters for principle use and he suggests that if the showroom and the office building are the executive offices as headquarters for the principle use of a use that has 3 lumber yards for Ocean County. The same argument can be made at "f" that the garage and maintenance shop for the vehicles used in connection with the operation of the principle use also would encompass those 3 yards because all the vehicles are used in connection with the operation of the principle use which is Woodhaven Lumber and it is not restricted by the ordinance to that site. Mr. Schmuckler said he did not agree but he is not an attorney, but if that is the case, then he would like to see the proper number of parking spaces and they should be paved and done properly because they do not know how many trucks they are going to have. Now they are saying there will be 9-10 trucks a week and Mr. Elward said accessory, by definition, means attached to that lot. Mr. Neiman said that is important because if it is not an accessory use for this lot than it really shouldn't be at this board. Mr. Neiman said he would like an interpretation of this accessory use and Mr. Elward said in his view it is not and he is basing it on the testimony that they said they are bringing in trucks from other locations.

Mr. Franklin said if their plant manager had 50 more load going out of there at any given day, would their plant manager call some other plants and ask them to bring some trucks up because they need more help and said that would make these trucks used for this plant even though they are located in other areas. Mr. Elward said he did not think that was the testimony and they said that trucks from other locations were going to be serviced at this site and based on that testimony, his view is that it would not be an accessory use. Mr. Neiman said what John Franklin was saying may be true but there are going to be trucks from other Woodhaven Lumber yards that are not used for this Woodhaven Lumber for the purpose of being serviced at this Woodhaven Lumber. Mr. Franklin said they could in fact be called here to help them make deliveries from this place; they are one entity. Mr. San Filippo said that is true. Mr. Franklin said they are one entity and they can take their trucks from anyplace and bring them in here. Mr. Elward said that was not their testimony. Mr. Schmuckler said this brings them back to the point that they do not know how many trucks will be there and they can't rely on that there will only be 9-10 trucks a week coming here and they won't need every single parking space. Mr. Franklin said you have to look at the size of the garage; it can only handle so many trucks and said there is less noise servicing the truck in this area than there is loading that sheetrock when you are out there with that forklift running back and forth. He said you pull that truck in the garage to get it serviced and he can bring them down to the truck wash that he has at public works and you can't even hear it washing the trucks, even standing outside the door. He thinks

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they are talking about something and they don't know anything about it because they are not getting the answers because the right questions are not being asked and the right frame is being said by the applicants. He said this thing is totally different than what the board thinks it is. Mr. San Filippo said he would bring up the service manager to testify.

Mr. Elward said their description seems to indicate that the trucks serviced by this garage are in fact used in connection with the business on this lot but the testimony they gave said they were bringing in trucks not used in connection with this lot and that was the issue. He said the board member brings up a good point, if there are more trucks coming in, it brings further site issues. Mr. San Filippo said these trucks are interchangeable, if they need extra trucks in Pt. Pleasant, trucks would go from Manahawkin or Lakewood to Pt. Pleasant and vice versa. That is the nature of a warehouse facility. Mr. Neiman said this would be the only garage for the Woodhaven Lumbers in New Jersey and Mr. Franklin said it is one entity. Mr. Neiman said it is not an accessory use for this site, it is an accessory use for Woodhaven Lumber. Mr. Neiman told Mr. Franklin he has one public works site, he is not servicing Howell; if Howell would come and say they need to service their trucks at your site, would that be an accessory use and Mr. Franklin said Lakewood doesn't own Howell, but if he had trucks from Lakewood working in Howell and he was in charge of the Howell district and he wanted to interchange his trucks out he would do that and he may pull a truck out and work it there for months before he turned it loose for another area; they are interchangeable; it is one corporation, and he would imagine their dispatcher dispatches the trucks they need to the area they need them. He said they are trying to make them in to 2 separates. Mr. Neiman said he hears what he is saying. Mr. Franklin continued and said he is washing trucks at the Lakewood Public Works from a lot of other towns and it doesn't change the noise factor in his place one bit.

Mr. Banas asked them to move on. Mr. San Filippo had the service manager sworn in. Mr. Greg Arcure is the fleet manager for Woodhaven Lumber. Mr. Arcure said he is responsible for the maintenance of all the company vehicles, trucks, yard vehicles and company cars. The garage will be used for general maintenance of the company trucks, cars, yard vehicles (forklifts), general repairs and maintenance to those vehicles. Mr. Neiman asked the hours of operation and Mr. Arcure said they would be the same as the lumber yard; 7am -5pm M-F and on Saturday 7am – 1 pm and closed on Sunday. The vehicles are presently being serviced at a location in the industrial park which they rent and the space they have is currently inadequate for maintaining the vehicles, washing the vehicles and they have to transport vehicles back and forth from the main facility which is where most of the trucks are domiciled. There are 5-6 employees that will work in the new facility and they have a total of 46 trucks, 43 machines (forklifts) and roughly 20 company cars. There are 8 flat bed trailers, 5 tractors, and the rest are mostly straight trucks. There are no box trailers. Approximately 2-3 trucks are serviced per week and about the same for the yard vehicles and forklifts and maybe one car. The vehicles are only washed when it is deemed necessary and the cars do not get washed at this facility, they go to a car wash. The waste oil and fluid products are caught by a drainage dolly which is then pumped up into a holding tank, which they currently have a 500 gallon double walled tank and that gets pumped out by Tonks Waste Oil in Toms River and all the fluid, oil, coolant, transmission etc. all goes into that same tank and they would continue to use Tonks for the wastewater fluids. The tools they use are hand tools, wrenches, sockets, laptops and other computer equipment along with some pneumatic tools and there will be a compressor in the building. To minimize noise, they will be using tools inside the building and it really won't be heard from outside but it was mentioned about keeping the one side doors shut and that can be done. Nothing service wise will be done outside of the building. There will not be any vehicles other that Woodhaven Lumber vehicles serviced at this location.

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Mr. Franklin asked Mr. Arcure if he disagreed with his statement that the trucks will be moved from plant to plant as needed and Mr. Arcure said he did not and stated he determines which trucks go to which location. He also said that every truck is currently legally registered to 200 James Street, both trucks and trailers and everything is domiciled out of James Street.

Mr. Schmuckler asked how many vehicles does Woodhaven Lumber own or service and Mr. Arcure repeated the information which totaled 100-120 total. Mr. Schmuckler asked if the employees take them home at night and Mr. Arcure said the trucks stay in the yard, by the warehouse, the flat bed trucks are parked inside the lumber yard and the company cars all go home with the sales people or corporate officer. Mr. Schmuckler asked if every night the 40 or so trucks are parked at 200 James Street and was told yes, but whatever trucks the other locations have in use at the time stay at their lot-maybe 3 to 4 trucks per location.

Mr. Neiman asked how many vehicles they wash per week at the location they are at now and Mr. Arcure said approximately 2-3 trucks and 2-3 forklifts depending on the type of work they are doing, sometimes they don't even do that many. They do a lot of preventative maintenance on their trucks to ensure safety. Mr. San Filippo asked if they did any auto body painting and if they contemplated doing any in the future and Mr. Arcure said no.

Mr. Neiman opened the microphone to the public

David Molte, 244 Sunset Road, Lakewood was sworn in. He had a statement and said he represents the community and said Woodhaven Lumber wants to build a repair garage in front of James Street between Sunset Road and Powderhorn for the purpose of maintaining their entire fleet of vehicles. He said as a community they are very concerned that the vehicles that run on gas, propane and diesel fuel will contaminate the immediate local environment. The neighborhood of New England Village is deeply concerned about the quality of water their families are exposed to, the quality of land they are exposed to but not limited to the quality of air their families are exposed to. They have been waiting for Woodhaven Lumber to bring their site up to the professional standards of the surrounding industries that pave and maintain their lots in a visually appealing manner not only in keeping dust and debris from migrating into the community but also taking pride and landscaping to contribute to the value of the community He wants to know what safeguards are in place to guarantee their neighborhood being exposed to engine fluids seeping into the soil and contaminating the water place brook flow into Lake Manetta, and from diesel fumes they are exposed to along with dust and sand that contains silica dust and live in fear of silicosis, a debilitating lung disease that is caused by inhaling sand dust. He said it will affect their quality of life and decreased property values by as much as \$30,000 as confirmed by Caldwell Banker real estate broker. They are petitioning Woodhaven Lumber and the Planning Board to use their good sense and relocate the garage to the opposite back section of the lot, create a berm the entire length of the property facing James Street no less than 6 ft. in height and plant white pine evergreen trees on top, not less than 6 ft. that will grow high and offer blockage to the wind, noise and unsightly storage of lumber and their trucks. Mr. Molte has over 100 signatures of local residents that oppose the present location of the repair garage and he also has 3 pictures that were marked into exhibit P1 of what this site looks like in real life that he took himself. He feels his community is heading downhill and the only thing they can do here is voice their opinion. Mr. Molte said he is not an attorney but he is speaking for the hundred instead of each one speaking individually; it is not just him it is every group and he would think it would be impossible to have 100 people come and explain when 2 or 3 or 4 people can do the same job.

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Mr. Fink said he appreciates the pictures but in Lakewood you can drive around and you can see this in other developments and other areas too and these pictures don't do anything for him. Mr. Molte said what those pictures don't show is when it is windy, the dust just blows across that yard and it migrates into their neighborhood and their cars and windows. Mr. Fink said he hopes the applicant heeds the board's previous comments about paving the stone and it will help that issue.

Maria Russo Nelson (formerly DeGeorge), 213 James Street, Lakewood was sworn in. She said as a homeowner on James Street she is concerned with not only the visual deterioration of the neighborhood since Woodhaven Lumber moved in but also the exhaust fumes from the diesel fuel what will be in the air around their homes as well as the dust, She said they have an industrial park on New Hampshire Avenue and they have beautifully landscaped buildings; there are no homes there and here in front of their homes they have to see a lumber yard. She mentioned the decrease in their property by having a service garage and their fleet of trucks across the street from their homes. Her question would be-would you buy a house on James Street with Woodhaven Lumber as your neighbor servicing their trucks across the street from your home? She said the letter from Remington & Vernick does not satisfy their concerns with respect to the environmental impact of this proposed garage and respectfully ask the planning board not to allow Woodhaven Lumber from building this service garage near their homes. If they must have a garage it must be located closer to the railroad tracks and away from their homes. She also said the applicant must build a 6ft. berm and plant white pine the entire length from Sunset to Powderhorn where their driveway entrance is. She had a map of the waterplace brook which flows into Lake Manetta which is north of the proposed service garage and said the trucks that are going to be sitting in the lot for repair, especially if there are fluid leaks that may seep into the ground which would eventually reach the waterplace brook. She said the review letter states the applicant requested a waiver of the Phase I study and she felt the Phase I study should be provided to address the potential environmental concerns. She also said they are not addressing the signage that was mentioned in the review letter.

Bill Hobday, 30 Schoolhouse Lane, Lakewood was sworn in. He said he is a disinterested party in this; he sees that it is in an M1 zone. He also sees there are ratables that come into the Township of Lakewood and these are good things. But he also sees there are some deep concerns with the community and he would say that Woodhaven has to sit down with these neighbors and work it out and a deal has to be struck before they come back here to the board. He has heard wonderful suggestions by the board and he would think that Woodhaven Lumber would want to do that and be good neighbors.

Sharon Kelly, 229 James Street, Lakewood was sworn in. She lives directly across from Woodhaven Lumber and it is unsightly, it is not aesthetically pleasing. If she gets out and cuts her grass and plant flowers and makes her home look pleasant she thinks that Woodhaven Lumber should do the same. She said last summer she called the township several times about Woodhaven to do something because the grass was almost as tall as the trees; the fence was tarped with black and it is flopping all over and is unsightly. She said they already have a lot of traffic and if you are going to put up this garage for servicing trucks there will be more traffic and when those big trucks go down the street her whole house shakes. She is asthmatic and has to keep her windows closed because of the dust and fumes and she would like to breathe some fresh air and be able to sleep beyond 7am and if they are open on Saturday and Sunday she thinks they can find another location for their facility. Mr. Banas asked her if she received a notice about this meeting and she said yes. Mr. Fink asked her what hours would she like to see the garage in use and she said 9am to 4pm and he said that is exactly what he wrote.

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Rochelle Leffler, 217 James Street, Lakewood was sworn in. She wanted to touch on the health problems attributed to diesel fuel and that is one of the reasons she is so concerned. The two problems are when the exhaust exists there is soot and gases that can be inhaled and deposited in the lungs and diesel contains 20-100x more particles than gasoline and they carry cancer causing substances. She also named the ingredients contained in the gases that are emitted. She said people who work near where these vehicles are used and maintained are exposed to these exhaust fume and she doesn't work there, she lives there 24-7 and her and her neighbors are exposed to it all the time and that is her main concern so she wants to ask Woodhaven Lumber what they are going to do about the safeguarding of their health and their children's health.

Mr. Neiman asked the applicant's attorney if he got the message and if he agrees with this and at this point maybe to look at another site on this property etc. and asked his feelings so far. Mr. San Filippo said he did not have the authority to agree to a whole lot but he can take the concerns to his client and see if they will agree to relocate the building on the property but he can tell the board that some of the things the neighbors talked about are going to be difficult to achieve particularly trying to remediate diesel fumes. Diesel trucks are a fact of life in a lumber facility or an industrial park facility which is what you have in this area and there are federal authorities that regulate emissions from diesel trucks and it is not up to the Lakewood Planning Board or the State of New Jersey to regulate such things. He said he would take the concerns about the proximity and appearance of the site back to his client and see what they can do to address them.

Mr. Neiman thanked him for considering that and understanding. Mr. Fink said there are a few things; moving the building back to where Mr. Akerman had suggested; the paving of the lot for the parking and if they could limit the garage hours from 9-4 M-F that would be a very nice gesture on everyone's behalf. Mr. San Filippo asked about Saturday hours and Mr. Fink said 9-3 but Mr. San Filippo said they close the facility at 1. Mr. Neiman also mentioned the landscaping berm in front of the property. Mr. Neiman said just because this is a business they should keep up with the neighbors as far as making it look not the eyesore that it is now. Mr. San Filippo asked where the berm should be located and Mr. Neiman said the entire frontage of James Street.

Mr. San Filippo said he would address the concerns with his client and Mr. Neiman said they would want to carry this for now but said a main issue to address was whether he is right or whether Mr. Elward is right because if Mr. San Filippo is right he is here and he belongs here, but if Mr. Elward is right then they belong at the Zoning Board and thinks that is a threshold issue that needs to be resolved. Mr. Neiman agreed and he said he thinks it is an accessory structure but he is not an attorney. Mr. Banas suggested they bring this up to the zoning officer and let her make that determination. Mr. Elward thought that factually it was left open that there was a possibility that some trucks from other locations. Mr. Neiman said that is why they should bring this up to the zoning officer and get a determination and based on that they will either proceed or they will go to the Zoning Board. Mr. San Filippo said to remember Mr. Arcure's testimony that the vehicles are housed and domiciled at Lakewood and as they are needed in the 2 other yards, they are dispatched there.

Mr. Neiman said the determination will be the first step and then once they hear that, they can bring the testimony today back to Woodhaven Lumber, explain the concerns of the neighborhood. Even though this is in an M1 zone it is in a residential neighborhood and they should be more sensitive to the community too. As a planning board they are sometimes left with the job of trying to fit in zone within a zone and that is what this is an example of.

Ms. Johnson said the plans needed to get back by May 21st for the June 16th meeting. Mr. Neiman said he did not think they needed to go back to another technical meeting and said it is basically the same plan unless Mr. Vogt felt differently. Mr. San Filippo said he would like to be carried to the June 16th meeting without further notice and if they cannot get plans back by May 21, 2009 they will give the board an extension of time and ask to be carried to the July meeting. Mr. Elward asked for the waiver of time be given to July 31, 2009.

Mr. Banas said he would like to see where that building will be located will be before they make any determination and Mr. Schmuckler asked for direction as to how to go to a building-circulation pattern- and Mr. Banas said he thinks that would help the situation and that might be a step in the right direction and the June 16th meeting is a little soon unless they can get the material done and in their hands. Mr. San Filippo said Mr. Palus did testify as to how these trucks and yard vehicles would get to the garage. Mr. Vogt said the board is looking for a truck turning plan which shows in plan view. Mr. Banas said it wouldn't hurt to throw some rye seed down in between the piles of lumber that are there because that will pick up some of the dust and it grows rapidly. Mr. San Filippo said he did not think seed would take because there are vehicles moving over it on a regular basis.

Motion was made by Mr. Herzl, seconded by Mr. Akerman, to carry the application to June 16, 2009 if the plans can be revised.

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

7. CORRESPONDENCE

- None at this time

8. PUBLIC PORTION

Maria Russo Nelson wanted to remind the board about the trees along with the berm and to address the vehicles that will be sitting on the property, what about the seepage of their oil. Mr. Neiman said that will be addressed and the next meeting.

9. APPROVAL OF MINUTES

- Minutes from April 21, 2009 Planning Board Meeting

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

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

10. APPROVAL OF BILLS

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

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

11. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

submitted
Johnson
Board Recording Secretary

Respectfully

Chris
Planning