

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

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

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

4. MEMORIALIZATION OF RESOLUTIONS

1. SD # 1586 (No Variance Requested)
Applicant: Thompson Grove Assoc.
Location: Drake Road- opposite Neiman Road
Block 251.01 Lots 32 & 88
Amended Preliminary & Final Major Subdivision

Motion to approve by Mr. Schmuckler, seconded by Mr. Herzl.

Roll Call Mr. Franklin, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Fink, yes, Mr. Herzl, yes Mr. Follman, yes, Mr. Akerman, yes, Mr. Percal, yes

2. SD # 1715 (Variance Requested)
Applicant: Sara Newman
Location: Myrtle Avenue, south of South Lake Drive
Block 75.01 Lot 4
Minor Subdivision to create 2 lots

Motion to approve by Mr. Schmuckler, seconded by Mr. Fink.

Roll Call Mr. Franklin, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Fink, yes, Mr. Herzl, yes Mr. Follman, yes, Mr. Akerman, yes, Mr. Percal, yes

3. SD # 1716 (Variance Requested)
Applicant: Dewey Avenue LLC
Location: Dewey Avenue, south of 4th Street

Block 246 Lots 18, 53-55
Preliminary & Final Major Subdivision – 8 lots

Motion to approve by Mr. Schmuckler, seconded by Mr. Fink.

Roll Call Mr. Franklin, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Fink, yes, Mr. Herzl, yes Mr, Follman, yes, Mr. Akerman, yes, Mr. Percal, yes

4. SD # 1691 (Variance Requested)

Applicant: Sam Bauman

Location: Lakewood New Egypt Road- west of Pine Circle

Block 261 Lots 3, 3.01

Withdrawal of application for minor subdivision to create 3 lots.

Motion to approve by Mr. Schmuckler, seconded by Mr. Fink.

Roll Call Mr. Franklin, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Fink, yes, Mr. Herzl, yes Mr, Follman, yes, Mr. Akerman, yes, Mr. Percal, yes

5. NEW BUSINESS

1. Ordinances for discussion

Section 18-403 – Developers Agreements

Mr. Waters Esq. explained that the amendment of section 18-403 is to provide for Developers Agreements with regard to approvals. Require in conjunction with any approval issued by this body that the Developer's Agreement be entered into with the applicant to ensure compliance with whatever Development Agreements may be included in the resolution and it will cover any kind of requirement. Township Ordinances currently do not require Developers Agreement. Lakewood is one of the few municipalities in the area that do not require Developers Agreement. If you adopt resolution approving a project that has private streets that has requirements for maintaining that has retention basins, how its maintained, home owners associations, those requirements that you insert in resolutions will be included in the Developers Agreement with more specificity on how they can be enforced after approval.

Mr. Neiman asked have we compared this to other Townships and does it cover everything that it should be covered.

Mr. Waters replies that yes they normally compare with other surrounding townships they draft a new ordinances.

A motion to recommend was made by Mr. Aikerman and seconded by Mr. Herzl.

Roll Call Mr. Franklin, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Fink, yes, Mr. Herzl, yes Mr, Follman, yes, Mr. Akerman, yes, Mr. Percal, yes

Section 18-903.G – Highway Development Zone (HD6)

Mr Waters Esq. stated the amendment to Highway Development Zone (HD-6) to permit duplexes as a conditional use. The ordinance as it is currently written just provides for two family dwellings. We have previously amended definitional phrases in the ordinance to separate out two family dwellings and duplexes and so the intent of this is to add “duplex” as a conditional use along with two family dwelling. What you have in front of you the language that has been deleted from the existing statute is crossed out and the addition to the existing statute is in ***bold and italics***.

Mr. Fink asked what is the difference between a two family home and a duplex?

Mr. Waters explained that a two family home is up and down and a duplex is side by side in order to allow a zero lot line, so you could divide ownership whereas with a two family home there is only one owner.

Mr. Fink inquired that the way a duplex is being explained as there is potential for a four family home.

Mr. Kielt agreed there is potential for a four family dwelling in a duplex situation. Also the Board should be aware that this amendment also pertains to HD-7 as well as HD-6.

Mr. Waters agreed with Mr. Kielt.

A motion to recommend to the Township Committee was made by Mr. Aikerman and seconded by Mr. Herzel.

Roll Call Mr. Franklin, yes, Mr. Banas, no, Mr. Neiman, yes, Mr. Fink, yes, Mr. Herzl, yes Mr, Follman, yes, Mr. Akerman, yes, Mr. Percal, yes

Section 18-200B – Home Occupation

Mr. Waters Esq. explained the amendment to the UDO to include a definition of home occupation. Home occupation is a concept that is found in several residential areas however there has never been a definition of what a home occupation is. What would happen now is if you go to a particular residential zone that permits home occupations this now will provide a definition so you know what a home occupation may consist of. In any particular zone which allows home occupations there are limitations as to the percentage of the dwelling that can be used for the business the number of employees, parking, storage, signage, things of that sort. There are a vast number of businesses being run out of homes but as long as it does not change the essential residential nature of the building it is permitted.

A discussion ensued in reference to the definition of a home occupation such as what types of jobs are allowed what laws exist that effect this ordinance. Laws on the books state only two employees must provide one off street parking spot, only one client at a time may visit the home, the exterior of the building may not change, and only 25% of the dwelling can be used. This is an attempt to tighten the definition in the definition section. What types of businesses are allowed, professional versus trade versus retail. Also is there a liability in reference to having a business in your home.

Mr Banas made a motion to indicate to the Municipal body that the Board endorses the concept in 18-200B with the idea of the tightening up the phraseology of a Home Occupation to a better degree as described in detail by the attorney. The motion was seconded by Mr. Aikerman

Roll Call Mr. Franklin, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Fink, yes, Mr. Herzl, yes Mr, Follman, yes, Mr. Akerman, yes, Mr. Percal, yes

2. SD # 1509B (No Variance Requested)

Applicant: Majestic Contracting, LLC.

Location: Massachusetts Avenue, south of Prospect Street

Block 445 Lot 18

Preliminary and Final Subdivision and Site Plan for 17 two family townhouses

Revised Submission (4th review)

Project Description/Application Summary:

The applicant proposes to develop this property for multi-family development, including seventeen townhomes within three (3) proposed on-site buildings. Proposed amenities include but are not limited to a privately-owned cul-de-sac (Alpine Court), seventy-five (75) parking spaces, a proposed tot lot, an underground detention systems and an above-ground recharge basin. The property is located in the Residential Multifamily (RM) Zone.

After a court remand, this application has been in front of the Planning Board for several meetings, and has undergone several design revisions. Of several issues of concern that were highlighted in Judge Grasso's original remand, all major design issues originally questioned had been addressed with the exception of one – the proposed perimeter buffer to the adjacent southerly property (Block 445, Lot 2). The application and design submitted after the Court's remand originally provided a 10-foot wide buffer area (as scaled on the plans) along the southern property line and adjacent to the property in question. A shallow retaining wall, ranging from (3-5) feet in height was proposed along the northerly edge of this buffer. Concerns were raised in prior public hearings about the previously-proposed buffer's grading and retaining walls, and potential impacts on root zones of adjacent trees.

The current application's buffer is being evaluated by the Board in accordance with applicable Lakewood UDO standards, including "buffer" requirements, specifically

Section 18-803(E)(2)(b):

"Multi-family or townhouse adjacent to an existing single-family residential development or an area zone for single-family residential land uses shall provide a buffer area of at least thirty (30) feet in width, as measured from the property line toward the proposed use. The Board may reduce the required buffer to fifteen (15) feet in width if the developer provides a dense landscape screen."

Based on the fact that this buffer standard is contained within **Article VIII, "Design Standards"**, Section 18-800 within the UDO, it is our opinion and that of the Board Solicitor that relief from this requirement, if necessary, should be treated as a design waiver, and not a bulk variance. Since the previous design submission's buffer width was less than 15 feet in width, Board relief in the form of a design waiver would be necessary to approve the previous design. As discussed at the most recent Public Hearing on this application, the applicant was directed to re-evaluate the proposed grading and buffer in this area to determine if an alternate grading and buffer scheme could be provided. As evidenced in the most recent site plan design submission, revised to April 28, 2010, the area in the vicinity of the buffer has been re-graded to eliminate the retaining wall. A 15-foot wide landscape buffer is now proposed along the southerly property line as depicted on revised Site Plan Sheets (3-5) of the current submission. This newly-proposed buffer design includes a 6-foot high vinyl privacy fence along the property line, a double row of evergreens (White Pine, Leland Cypress, Norway Spruce, Linden), and interspersed Red Maples and Red Oaks.

Per review of the revised design, it appears that the minimum rear yard setback (20 feet) would be provided in conjunction with the proposed buffer. With respect to this (landscape) buffer, we recommend that the Board consider this application via one of the following options: (1) If the Board is satisfied that the proposed landscape buffer design is adequate and meets the definition of a "dense landscape screen" as referenced in Section 18-803(E)(2)(b) of the UDO, the application could be considered without the need for a design waiver for full compliance with the landscape buffer standard. (2) If the Board favors the revised grading and buffer concept but feels that the proposed fence and landscaping does not provide a sufficiently-dense and/or adequate landscape screen, additional landscaping and/or landscape design revisions could be provided in lieu of consideration of a design waiver. (3) If the Board favors the previously-submitted buffer and grading concept, the application could be considered based on the previous design submission, including the necessary buffer design waiver.

If the Board opts to grant approval for this project, we recommend that said approval include the following conditions, at a minimum: (1) Compliance with all design issues raised, and conditions agreed to by the Applicant in our October 20, 2009 review letter, from prior hearings, and the forthcoming public hearing(s). (2) Additional conditions imposed by the Lakewood Planning Board. (3) Outside agency approvals.

There are only five members that can vote on this matter; Mr. Herzl, Mr. Franklin, Mr. Neiman, Mr. Aikerman and Mr. Schmuckler. Mr. Schmuckler has listened to the tape of the last discussion and has signed a certification to such, it is on file.

Mr. Flannery stated that the recommendation made prior by Mr. Franklin was that they redo the grade in the back, use the building to an extent as a retaining wall and eliminate the need for the retaining wall ten feet off the property line. Mr. Carpenter's office did this and submitted the plans. Mr. Vogt reviewed the plans, and the plan does provide for the retaining wall along the back now. We have fifteen feet that has been designated as a buffer, the first ten feet is a double standard row of predominantly evergreen trees, the next five feet is a row of deciduous trees so that those

will be in the back yard as indicated in MR. Vogt's report we were down to the one concern of the court, the court had a pinned on three issues, the parking, which it indicated we complied, the cul-de-sac which we provided in accordance with our SI standards and then the buffer. There was a lot of discussion about the buffer where the ordinance says you should provide thirty feet to a residential use or zone, which can be reduced at the Boards discretion to fifteen feet if it's a heavy buffer. Obviously we are providing one hundred sixty-five trees in that fifteen feet. The first row are seven feet on center, the second row are seven feet on center, and the third row are fifteen feet on center in addition to the vinyl fencing along the property line. So clearly it is my opinion as a professional that this is a dense screen that complies with the intent of the ordinance. On page two Mr. Vogts report he indicated the one issue we were left with and on page three he explains how its reviewed and what the boards options are. The three options are as follows 1) find that the plan complies with the ordinance and that it can be reduced to fifteen feet of heavily buffered landscaping, 2) return to the original plan or 3) come up with a new idea. The neighbor had objected that some time in the future there may be a single family detached residential subdivision and a buffer would be needed, clearly what we are planning here today would be superior to any thing in the future.

Mr. Vogt agreed that the buffer is a dense screen and told Mr. Neiman that the Board must decide if they feel this is a dense screen as per the UDO. Mr. Vogt feels it does meet the standards of the UDO. The Board may decide that they feel the tree line should be more dense or they if they would like to return to the original plan or decide on an all together different plan.

Mr. Ron Gasioriski Esq., who represents Mr. & Mrs. Howard Payne, adjacent property owners questioned if the attic space has been defined as storage only. Mr. Flannery replied yes it had.

Mr. Gasioriski then asked if the elevation from the grade had changed at all from the original plan and MR. Flannery stated that the plan showed a minimum roof pitch and they have complied with the minimum roof pitch being thirteen feet above the deck in the center of the roof.

Mr. Gasioriski the questioned what is the required set back from the rear of the building to the property line. Mr. Flannery indicated that it is twenty feet to the property line.

Mr. Gasioriski asked, what is the required rear yard area in the zone in question. Mr. Flannery replied for the townhouse use as proposed, the ordinance requires a rear yard of twenty feet.

Mr. Gasioriski asked with regard to the rear yard, what is the distance from the rear of the house to the property line. Mr. Flannery stated it is thirty feet.

Mr. Gasioriski then stated that if the distance is thirty feet and the buffer is fifteen feet then the rear yard usable space is only fifteen feet not twenty feet. Mr. Flannery explained that the rear yard is twenty feet and five feet of the buffer is included in the twenty feet.

Mr. Gasioriski asked what part of the buffer is part of the twenty feet of rear yard. Mr. Flannery stated that the last five feet of buffer with the deciduous trees is part of the usable twenty feet of rear yard space.

Mr. Gasioriski asked if the resident wanted to put a swing set or a shed on the five feet of buffer space, could he. Mr. Flannery said no, you can not put a structure in a buffer zone.

Mr. Gasioriski referred to the Zoning Ordinance, section 1010 Sub paragraph B-7 "All residential developments should provide a usable rear yard of the depth of at least twenty feet but Mr. Flannery said that the last five feet of the usable yard is part of the buffer and unusable.

Mr. Flannery answered that in fact that last five feet with the deciduous trees is usable. The Ordinance specifically states you can't have an easement that inhibits the use of the yard, by Mr. Gasioriski's definition any easement would inhibit the use of the yard, the buffer is in the easement which is similar to rear yards that are approved by this Board routinely for sanitary sewer and storm sewer that are in rear yards but people get to use their rear yards even though there is an easement there.

Mr. Gasiorski then stated that the sanitary and storm sewers are underground so that if an owner wished to put a swing set on them could he.

Mr. Flannery answered that absolutely not, there are restrictions that prohibit structures weather it's a grading easement or a sanitary or storm sewer easement.

Mr. Neiman opened to the public for comment only pertaining to this specific change.

Mr. Neiman opened the microphone to the public.

Mr. Bill Hobday, 30 Schoolhouse Lane, Lakewood NJ , asked if the only roadway is on Massachusetts Ave? Mr. Neiman answered him that yes the entrance is right in and right out only.

Mr. Jackson Esq. reminded Mr. Hobday that his comments should pertain to the change in question, not previous changes made.

Mr. Hobday closed by saying that Massachusettes Ave. is too crowded as it is and does not need more traffic; also if the buffer zone is made smaller it would devalue adjacent property.

Mrs. Gerry Baldwin, Governors Road, Lakewood NJ mentioned that if someone wanted to go into town from this development they would have to travel a great distance to get there with a right in right out rule. The definition of a buffer should be more defined . The buffer should not be considered part of the useable rear yard. She then asked if there has been space set out for the larger yellow recycling pails and the green garbage pails. Mr. Vogt replied that there is a space for the cans.

Seeing no other speakers this portion was closed.

Mr. Gasioriski made closing remarks restating the buffer zone stipulations. He feels that the five feet of buffer constitutes a non usable portion of a so called usable rear yard. He feels this is a terrible project and equated it to row housing that belongs in a urban are such as Philadelphia not in a rural pristine area where it is propose, he feels that developers up and down this roadway will seek the same reduction of buffers and reduced rear yard space. If the Board wants a project that was put forth in their master plan years ago and that the Township Committee in its legislative process has demanded then the Board must deny this application as they have in the past. It is not a good application.

Mr. Carpenter Esq. clarified for the record that this is a different plan before the Board with the changes made to provide a usable rear yard of twenty feet and a buffer of fifteen feet, also the

reduction of the roof pitch and the area for the garbage and recycling cans. All of these changes were verified by our professional and the Board's professional so that now the plan is fully conforming and should be approved as such.

Mr. Herzl made a motion to approve this application based on all the recommendations agreed upon at prior meeting and tonight's meeting. This motion was seconded by Mr. Akerman.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mr. Neiman, no, Mr. Akerman, yes, Mr. Schmuckler, no. Three versus two the application passes.

3. SD # 1728 (No Variance Requested)
Applicant: MAZ Properties, LLC.
Location: Ocean Avenue between Linden and North Oakland
Block 189.05 Lot 138-142, 144-146
Preliminary and Final Major Subdivision – 25 single family lots

Project Description

The applicant proposes to subdivide eight (8) existing lots into twenty-five (25) single-family residential lots, one (1) of which will contain a basement **house of worship**. The proposed subdivision would also create an open space lot for a tot lot, and an open space lot for a Homeowners Association. The applicant is seeking Preliminary and Final Major Subdivision approval with variances. The subject property is located on the northerly side of Ocean Avenue (Route 88), a State Highway, in the northern portion of the Township. The tract also has some frontage on Linden Avenue, Bergen Avenue, and Somerset Avenue. All the existing land proposed for development is currently residential uses. The applicant proposes to remove all existing dwellings and improvements and construct a new higher density subdivision. The existing eight (8) lots known as Lots 138-142 and 144-146 in Block 189.05 are proposed to be subdivided into twenty-seven (27) lots shown as proposed Lots 140.01-140.27 on the Major Subdivision Plan. Four (4) parking spaces are proposed for each single-family unit. A privately owned off-street parking lot will contain most of the off-street spaces proposed. Only the northernmost proposed lot with frontage on Somerset Avenue will have a couple of individual off-street spaces. The proposed off-street parking lot creates a loop through the subdivision. The proposed access drives are along Bergen Avenue and at the curve where Bergen Avenue meets Somerset Avenue. The project will not have vehicular access from any other adjoining streets, such as Route 88 and Linden Avenue. All existing streets adjoining the property that do not have a half right-of-way width of twenty-five feet (25'), propose road widening dedications to attain the proper half right-of-way widths. The tract area is listed as 3.44 acres. Associated site improvements are proposed for the major subdivision plan. These improvements

include a proposed tot lot, parking area with curb and sidewalk, drainage, sewer, water, and utility connections. The adjoining roads have existing curb and existing sidewalk in most locations. In locations where curb and sidewalk does not exist it is being proposed. The site is situated within a predominantly residential area.

We have the following comments and recommendations per testimony provided at the 4/13/10 Planning Board workshop hearing, and comments from our initial review letter dated March 24, 2010: (I) Waivers (A) The following waivers have been requested from the Land Development Checklist: (1) B2 - Topography within 200 feet thereof. (2) B4 - Contours of the area within 200 feet of the site boundaries. (3) B10 - Man-made features within 200 feet thereof. (4) C14 - Tree Protection Management Plan. A partial design waiver is requested from providing topography of the area within two hundred feet (200') of the site boundaries due to the existing topography of the site sloping towards Route 88. Therefore, waivers are requested from B2, B4, and B10. A waiver is requested from providing a Tree Protection Management Plan due to the existing development on the site. Therefore, a waiver is requested from C14. The applicant shall provide supporting testimony on the requested waivers as required. The Environmental Impact Statement states that a Tree Protection Management Plan shall be submitted to the Environmental and Shade Tree Commissions for review. A Tree Protection Management Plan has been included in this revised submission. The Board granted the other waivers requested.

(II) **Zoning (1)** The site is situated within the R-10, Single-Family Residential Zone District. Per Section 18-902 F. 1. a., of the UDO, "Single-Family Detached Housing" is listed as a permitted use. Testimony shall be provided as to how the basement community center, proposed for one (1) of the units, conforms to the Zoning.

Testimony was presented at the workshop that a basement house of worship, not a basement community center is proposed. (2) Minimum Lot Area variances are required for all proposed residential lots. The minimum required lot area is ten thousand square feet (10,000 SF) and only the proposed open space lots exceed the minimum required lot area. The proposed minimum lot areas range from 3,343 – 6,510 square feet. ***Statements of fact.*** (3) Minimum Lot Width variances are required for all proposed residential lots. The proposed minimum lot widths for the residential lots range from thirty-three feet (33') to sixty-five feet (65'). The minimum required lot width is seventy-five feet (75') and only the proposed open space lot for the tot lot exceeds the minimum required lot width. The proposed lot width for the open space lot for the Homeowners Association is sixty feet (60'), which also requires a variance. ***Statements of fact.*** (4) Minimum Front Yard Setback variances are required for most of the proposed residential lots. The minimum required front yard setback is thirty feet (30') and front yard setbacks proposed range from ten feet (10') to thirty-five feet (35'). In accordance with our review, minimum front yard setback variances are required for proposed Lots 140.01-140.03, 140.05-140.13, 140.15-140.20, and 140.22-140.26. The proposed front yard setback of Lot 140.05 is measured to the wrong side of the covered porch; therefore the 21.6' dimension listed must be reduced. The proposed front yard setback of Lot 140.13 should be measured from the parking lot corner and is therefore less than the required thirty

feet (30'). **Based on the revised plans the correct front yard setback variances are now being requested.** (5) A Minimum Rear Yard Setback variance is required for proposed Lot 140.15. The minimum required rear yard setback is twenty feet (20') and the distance between an outbound corner marker and the rear of the unit is less than twenty feet (20'). **The rear yard setback for proposed Lot 140.15 is shown as 19.6' to the building corner. The proposed deck is actually closer and should be where the minimum setback is measured. A rear yard setback variance will be required.** (6) Minimum Side Yard Setback variances are required for all of the proposed residential lots except for proposed Lot 140.01. The minimum required side yard setback is ten feet (10'). A zero foot (0') side yard setback is proposed for all lots requiring variances with the exception of proposed Lot 140.26 which proposes a side yard of seven feet (7'). **Statements of fact.** (7) Minimum Aggregate Side Yard Setback variances are required for all of the proposed residential lots except for proposed Lot 140.01. The minimum required aggregate side yard setback is twenty-five feet (25'). The proposed aggregate side yard setbacks for all lots requiring variances range from seven feet (7') to twenty-four feet (24'). **Statements of fact.** (8) Maximum Building Coverage variances are required for all of the proposed residential lots except for proposed Lot 140.01. The maximum allowable building coverage is twenty-five percent (25%). The proposed maximum building coverage for all lots requiring variances ranges from twenty-six percent (26%) to forty-seven percent (47%). The proposed building coverage for proposed Lot 140.05 is actually thirty-seven percent (37%). The proposed decks shown on the architectural plans have not been included in the building coverage calculations. Testimony is required on whether the proposed building coverage percentages will be increased. **Based on the submittal of new architectural plans, the building footprints require revision. The decks have been reduced in size from what is shown on the subdivision plans. We have calculated the proposed building coverage for all proposed lots and find variances are required for all building lots. The percent coverage ranges from twenty-six percent (26%) to fifty-one percent (51%). Virtually all proposed lots in the schedule of bulk requirements need to be corrected.** (9) A waiver is requested from providing a buffer along Route 88 in accordance with Section 18-803E. 2. e., of the UDO. A buffer is required and no buffer is proposed. **Landscape buffering has been provided along Route 88. However, the twenty-five foot (25') width requirement has not been met or the conditions which would allow a reduction to a twelve and one half foot (12.5') width.** (10) A waiver is required from Section 18-821 of the UDO for Building Uniformity in Residential Development. One (1) basic dwelling design is proposed where normally five (5) designs are required for a twenty-five (25) lot subdivision. **The new architectural plans propose five (5) elevation options, while the floor plans remain the same.** (11) The applicant must address the positive and negative criteria in support of the requested variances and waivers. **Testimony shall be provided.** (III) **Review Comments (A) General/Layout/Parking** (1) The General Notes refer to a Survey that the outbound and topographic data has been taken from. A copy of this Survey has been submitted. The Existing Conditions Plan does not accurately reflect existing curb, sidewalk, poles, and trees. This has an impact on the proposed improvements plans. We recommend replacement of existing curb and sidewalk along the frontages of the property because of the deteriorated

condition. A few existing trees which will be located within the proposed shade tree and utility easement are worth saving, but most of the existing trees are in poor condition and should be removed. ***Curb and sidewalk along Route 88 is being replaced by a New Jersey Department of Transportation construction project. The Board should consider having the applicant remove the new driveway aprons and replace the depressed curb with full height curb since there will be no access to the site from the Route 88 frontage. We still recommend replacement of existing curb and sidewalk along the other frontages of the property because of the deteriorated condition. A tree management plan has been submitted depicting six (6) specimen trees. The two (2) specimen trees to remain shall be incorporated into the Landscape Plan.*** (2) The Existing Conditions Plan indicates a fence encroachment from adjoining Lot 143 and various gores and overlaps along the eastern boundary of the tract. Testimony is required on the disposition of the encroachment, gores, and overlaps. None of these lands may be incorporated in the proposed subdivision unless the discrepancies are resolved. ***Testimony is required since the project boundary is subject to change.*** (3) Many corrections are required to the Schedule of Bulk requirements. We believe our synopsis of the variances required under the Zoning section above accurately depicts the proposed project. ***Some corrections have been made to the Schedule of Bulk requirements. Virtually all of the proposed lots require corrections to the building coverage.*** (4) Off-street parking: According to the architectural plans provided, each dwelling will have an option to be a four (4) or five (5) bedroom unit with a basement. The applicant is proposing four (4) off-street parking spaces per unit which is enough to be in compliance with the RSIS standards of three (3) off-street parking spaces for five (5) bedroom units. Based on the twenty-five (25) single-family dwellings proposed, seventy-five (75) off-street parking spaces are required and one hundred (100) off-street parking spaces are being proposed. The applicant should also provide testimony regarding basements since the architectural plans indicate that each unit will have a basement. ***Testimony should be provided on basements and parking.*** (5) The General Notes and Parking Requirements contain information regarding an apartment unit. Communications with the applicant's professionals indicate that an apartment unit was included on an earlier version of the plans. Communications also indicate that the proposed dwelling to contain the basement community center will be located on proposed Lot 140.13, next to the open space lot for the tot lot. ***The notation in the Schedule of Bulk Requirements referencing apartments must be removed from the plans. The proposed basement community center is being replaced by a proposed house of worship.*** (6) The proposed off-street parking consists of a minimum of 9' X 18' parking spaces. The proposed parking configuration consists of perpendicular spaces on a looped drive through the development consisting of a two-way, twenty four foot (24') wide aisle with spaces on both sides. Ninety-eight (98) off-street parking spaces are proposed, four (4) of which are handicapped spaces with van accessibility. Two (2) additional off-street spaces are proposed for Lot 140.21, the northernmost proposed lot for the project, which fronts on Somerset Avenue. ***Statements of fact.*** (7) Interior sidewalk is proposed throughout the development. We recommend the proposed sidewalk be butted against the proposed curb to eliminate the trampling of the grass strip from constant pedestrian

traffic. The proposed sidewalks will be located on individual lots. Therefore, easements will be required. **The proposed sidewalks along the interior of the site have been revised to be six feet (6') wide and butt against the proposed curb. Since the proposed sidewalks will be located on individual lots, easements are being provided.** (8) The plans do not differentiate between existing and proposed sidewalk and curb. This is required because the plans propose areas of new curb and sidewalk construction, as well as retaining areas of existing curb and sidewalk along the surrounding road frontages. **The plans have been revised to differentiate between existing and proposed sidewalk and curb.** (9) Testimony shall be provided by the applicant's professionals on disposal of trash and recyclables. This matter is not addressed on either the site plans or architectural plans. **Testimony was provided at the workshop that trash and recyclables would be collected by the Township. Department of Public Works approval would be required. Roll out dumpsters are proposed, but no details or individual enclosures provided.** (10) Proposed handicapped curb ramp locations must be added to the site plan. **The proposed handicap curb ramp locations have been added to the site plan.** (11) No Sight Triangle Easements are shown at the proposed access drives or at the intersection of Linden Avenue and Bergen Avenue. **A Sight Triangle Easement is required at the intersection of Linden Avenue and Bergen Avenue. An AASHTO Standard should be provided to demonstrate that no sight triangle easements are required at the Bergen Avenue access drive.** (12) Vehicular site access is almost exclusively proposed by the looped drive and parking lot. Only the northernmost proposed lot allows vehicular access for two (2) off-street parking spaces perpendicular to Somerset Avenue. Vehicular access to the adjoining streets is being prohibited from all the other proposed lots. **Statements of fact.** 9130 Proposed curb radii must be added at the intersections of Linden/Bergen Avenues and Bergen/Somerset Avenues. Curb replacement is required for handicapped ramps and site access driveways. **Proposed curb radii have been added at the intersections of Linden/Bergen Avenues and Bergen/Somerset Avenues. Proposed handicap ramp locations have been depicted at these intersection locations.** (B) Architectural (1) An architectural plan for the proposed single-family unit to be constructed throughout the project has been provided. The proposed dwelling type is a two-story unit with a basement. The proposed maximum ridge height is thirty-three feet nine inches (33'-9") which is less than the allowable thirty-five foot (35') maximum building height. We recommend that color renderings be provided for the Board's review at the time of Public Hearing. **New architectural plans have been submitted. In addition to the four (4) or five (5) bedroom second floor option, there are five (5) elevation options proposed.** (2) A rear deck is indicated on the proposed first floor layout which has not been counted as part of the building coverage. The proposed rear decks are slightly smaller on the architectural plans than the areas shown on the site plans. No steps are shown on either the architectural plans or site plans to ground level. Testimony must be provided since the disposition of the deck area will affect the variances being requested. **The new architectural plans clearly indicate the rear decks should be counted as part of the building coverage. Steps for the decks are shown on the rear elevation of all options. The steps must be added to the side elevations and the site plans.** (3) The proposed

second floor plans have a four (4) bedroom layout and a five (5) bedroom layout as options. **Statement of fact.** (4) Basements are proposed with exterior access from stairwells leading beneath the front porch. No floor plans have been provided for the basements. The architectural plans indicate the basement floor elevation to be nine feet (9') below the first floor elevation. The site plans show a nine and a half foot (9.5') difference between the floor levels. This discrepancy must be addressed. **The new architectural plans change the elevation difference between the basement floor and first floor to nine and a half feet (9.5'). Meanwhile, the revised site plan changes the elevation difference between the basement floor and first floor to nine feet (9'). The drawings must be coordinated.** (5) We recommend that location of air conditioning equipment be shown. Said equipment should be adequately screened. **Air conditioning equipment must still be addressed on both the architectural plans and subdivision plans.** (C) Grading (1) A detailed Grading and Drainage Plan is provided on Sheet 4 of 12. A storm sewer collection system is proposed to collect runoff and convey it to underground recharge systems. **Statements of fact.** (2) Proposed spot grades are required at the bottom of the building steps. The architectural plans indicate a four foot (4') difference between the proposed porch elevation and the bottom of the steps. Adjustments to the proposed grading and/or finished floors are required. **Proposed spot grades have been provided at the bottom of the building steps. Some adjustments to the proposed finished floors may be necessary. A consistent cross slope should be provided from the top of the parking lot curb, across the sidewalk, to the unit steps. Some additional proposed top of curb elevations are needed.** (3) Review of the existing and proposed gutter grades along Bergen and Somerset Avenues reveal they are too flat to properly drain runoff. Evidence of standing water along this stretch of property frontage was also observed. An alteration to the roadway, like providing a gutter, or the addition of storm water collection pipes is required. **The draining of runoff from Bergen and Somerset Avenues has not been properly addressed. Roadway improvement plans and storm water collection will be necessary. Simply adding curb to areas without curb does not solve the problem.** (4) Overland swales shall be designed with a minimum slope of one percent (1%). Additional catch basins shall be added in areas where this cannot be accomplished. **The swales and drainage still need to be corrected.** (5) The proposed grading on the open space lot for the tot lot should be designed flatter to maximize the usefulness of the site. **The tot lot should be included on the grading plan so the proper grading can be accomplished.** (6) Soil boring locations must be provided to determine whether a two foot (2') separation from the seasonal high water table to proposed basement elevations is maintained. **The soil boring locations have been provided on the Grading and Drainage Plan. A two foot (2') separation from the seasonal high water table to proposed basement elevations is maintained.** (D) Storm Water Management (1) The Storm Water Management Report submitted must be revised. The report submitted is based on an older plan version that included existing Lot 153 which is no longer part of the proposed project. **The pre-development drainage area map must be revised to eliminate existing Lot 153. The decrease in area will reduce the pre-development runoff and therefore the allowable post development runoff. Other revisions are required to update the report to the current**

proposed plans. (2) A proposed storm sewer collection and recharge system has been designed utilizing high density polyethylene (HDPE) conveyance pipe and perforated twenty-four inch high density polyethylene (24" HDPE) pipe in stone recharge trenches. Along with the proposed collection system, seven (7) separate recharge trenches are proposed throughout the project. We suggest perforated pipe also be considered for the conveyance piping unless there is a concern for constructing the perforated pipe under proposed improvements, such as the parking lot. **The applicant's engineer has decided to use perforated high density polyethylene (HDPE) pipe for recharge trenches and solid pipe for conveyance piping.**

(3) Much of the storm sewer is proposed on individual lots. A Blanket Drainage Easement has been proposed on all the residential lots to be created by the subdivision instead of proposing individual drainage easements. Confirming testimony shall be provided that the Homeowners Association will own and maintain the entire storm sewer system whether it is located on the open space or privately owned lots. Testimony shall also be provided on the accessibility of the system for future maintenance and replacement purposes. **Testimony shall be provided on the storm water management system.** (4) A recharge rate of twenty inches per hour (20 in. / hr.) is being used for the calculations. This is based on using a permeability rate of forty inches per hour (40 in. / hr.) with a safety factor of two (2). However, the permeability testing is too inconsistent to warrant this figure in all cases. It shall be noted on the plans that permeability testing will be required during construction and soils replaced where necessary to attain the forty inch per hour (40 in. / hr.) rate required. **A note has been added stating permeability testing will be required during construction and soils replaced where necessary to attain the forty inch per hour (40 in. / hr.) rate required.**

(5) A map indicating the soil boring locations shall be provided to confirm the required two foot (2') separation between the bottom of the proposed recharge trenches and the seasonal high water table. **The soil boring locations have been provided on the Grading and Drainage Plan. The required two foot (2') separation between the bottom of the proposed recharge trenches and the seasonal high water table is maintained.**

(5) Most of the proposed recharge trenching consists of multiple pipe runs. The proposed system should be shown to scale in order to be properly constructed and connected to the proposed drainage structures. **The proposed pipe trench systems have been shown to scale, along with connections to the proposed drainage structures.**

(7) The proposed storm sewer system must be coordinated between plan and profile views. Discrepancies need to be corrected. **Proposed storm sewer system coordination work remains, particularly with respect to inverts.**

(8) A design meeting is recommended to review the proposed storm water management system. **The meeting is still recommended.**

(9) A Storm Water Management Operation & Maintenance Manual has been submitted per the NJ Storm Water Rule (NJAC 7:8) and Township Code. The manual needs to be revised to be specific with respect to the latest proposed design and must outline how the HOA will maintain the system. **The Manual has sections related to storm water management facilities which are not part of the project design.** (E)

Landscaping (1) Ten (10) Red Sunset Maples are proposed along the Route 88 property frontage. Three (3) Shingle Oaks are proposed along the Linden Avenue property frontage. Nine (9) Greenspire American Ashes are proposed along the

Bergen Avenue/Somerset Avenue property frontage. Ten (10) Green Vase Zelkovas are proposed around the interior parking area. **The Landscape Plan has been revised. Substantial landscaping has been added to screen and buffer the units. Fencing has also been added.** (2) Corrections are required to the Deciduous Tree Planting Detail. Either an additional Tree Guying Detail shall be added or reference to the detail removed. **The detail must still be revised.** (3) Proposed sight triangle and shade tree/utility easements shall be added to the Landscape and Lighting Plans to evaluate the proposed tree planting locations. **The easements must be added to the plans.** (4) The overall landscape design is subject to review and approval by the Board. Per our site inspection of the property and review of the Environmental Impact Statement, preservation of some large trees is encouraged. Testimony should be provided regarding specimen trees. Compensatory plantings should be required unless waived by the Board. **Two (2) of the six (6) specimen trees identified are being preserved. The preservation of these trees must be incorporated into the Landscape Plan.** (D) **Lighting** (1) Proposed lighting has been provided for the interior parking area. Twelve (12), twelve foot (12') high "colonial" pole mounted fixtures are proposed. **Statements of fact.** (2) A point to point diagram should be provided to verify the adequacy of the proposed lighting. Review of the illumination patterns provided is inconclusive. **A point to point lighting diagram needs to be provided.** (3) Confirming testimony shall be provided that the proposed site lighting will be privately owned and maintained by the Homeowners Association. **Testimony is required on the ownership of the site lighting.** (G) **Utilities** (1) Potable water and sanitary sewer service will be provided by New Jersey American Water Company. The project is within the franchise area of New Jersey American Water Company. Existing on site septic systems will be excavated and disposed of in accordance with all applicable municipal, county, and state standards. The General Notes shall be modified accordingly. **The General Notes still require modification.** (2) Testimony should be provided regarding other proposed utilities. Additional underground connections will be required if gas is proposed. **Testimony on other proposed utilities should be provided.** (H) **Signage** (21) Proposed signage needs to be added to the Site Plan. Regulatory sign details have been provided. **Handicapped signage must be added.** (2) No project identification signs are proposed. **Statement of fact.** (I) **Environmental (1) Site Description** Per review of the site plans, aerial photography, and a site inspection of the property, there are seven (7) single-family residences located on the tract. Inhabited residences exist upon Lots 139, 141, and 144-146. Uninhabited residences exist upon Lots 138 and 140; Lot 142 is vacant. The developed lots include impervious asphalt, gravel, and dirt driveways as well as appurtenances such as sheds and garages. The lots also contain both native vegetation and non-native ornamentals. Sporadic miscellaneous debris and dilapidated appurtenances can be found upon the project site. Access to the site is currently gained from the surrounding roadways. The existing on-site topography is relatively flat, with strong sloping located off-site to the south toward Lake Shenandoah. **Statements of fact.** (2) **Environmental Impact Statement** - The applicant has submitted an Environmental Impact Statement. The document has been prepared by Trident Environmental Consultants to comply with Section 18-820 of the UDO. The report is a result of an Environmental Assessment and Inventory

conducted on the site. Field studies were conducted in June of 2009. To assess the site for environmental concerns, natural resources search of the property and surroundings was completed using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following highlights some of the documents and field inventories which were reviewed to evaluate potential environmental issues associated with development of this property: (a) The New Jersey State Development and Redevelopment Plan. The site lies within the Suburban Planning Zone. It also lies within the CAFRA Coastal Suburban Planning Area. (b) Site investigation for wetlands and wetland buffers. (c) The Natural Heritage Program for any threatened and endangered species. Bald Eagle, Eastern Box Turtle, Great Blue Heron, and Pine Barrens Tree Frog habitat areas were evaluated. (d) NJDEP Landscape Project Areas. Based on the Environmental Impact Statement the only significant potential project impact could be water quality. The nearest waterway is a small unnamed tributary to Lake Shenandoah, a category one waterway. The tributary is located approximately two hundred fifty feet (250') south of the property. Therefore, the three hundred foot (300') buffer falls upon the subject property. The mapping of this buffer must be added to the plans. During construction activities, proper implementation of Soil Conservation Measures will negate potential silting of local surface water systems. ***The proposed C-1, three hundred foot (300') buffer line has been added to the plans. Proposed storm water management structures have been moved outside of this buffer line. Survey information must be provided on the Final Plat for the buffer line since the area is regulated.*** (3) ***Tree Management*** - A waiver has been requested from providing a Tree Protection Management Plan. The Environmental Impact Statement notes the periphery of existing Lot 140 contains large, health mature specimens of Norway spruce trees. Also, existing Lot 138 contains a large mature White Oak with a DBH of forty three inches (43"). The report encourages the preservation of on-site specimen tree species as well as those with a DBH of sixteen inches (16") or greater. ***A Tree Protection Management Plan has been included with the revised submittal. Two (2) of the six (6) specimen trees identified will be preserved.*** (J) ***Construction Details*** (1) Construction details are provided with the current design submission. We recommend that final construction details be revised as necessary during compliance review, if/when this project is approved by the Board. ***Construction details will be reviewed during compliance should this project be approved by the Board.*** (K) ***Final Plat (Major Subdivision)*** (1) The three (3) signature blocks for the owners should list the respective lots they own. ***The respective lots owned by the three (3) owners have been identified in the signature blocks.*** (2) The General Notes require corrections with respect to use, parking, and utilities. ***The General Notes have been revised with respect to use, parking, and utilities.*** (3) The zoning schedule requires multiple corrections. Our office can review the corrections with the applicant's professionals. ***The zoning schedule has been revised, but multiple corrections are still necessary which we can review with the applicant's professionals.*** (4) Proposed sidewalk easements are required for the circulation sidewalks surrounding the parking area. ***Proposed sidewalk easements have been provided for the circulation***

sidewalks surrounding the parking area. The bearings on L15, L24, L25, and L32 should be reversed such that the described easements read clockwise. (5)

Proposed lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. **The plat requires the Tax Assessor's signature.** (6)

Compliance with the Map Filing Law is required. **Statement of fact. (IV)**

Regulatory Agency Approvals - Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District; (c) Ocean County Board of Health (septic removal); (d) New Jersey Department of Transportation (Route 88); (e) New Jersey Department of Environmental Protection (C-1 waters); and (f) All other required outside agency approvals. New Jersey American Water will be responsible for constructing potable water and sanitary sewer facilities. **Evidence of approvals shall be provided once they are obtained. Even though there will be no access from Route 88, and new curb and sidewalk has been constructed along Route 88, approval is still required from the NJDOT for the right-of-way dedication. Since no new impervious area is proposed within the three hundred foot (300') C-1 waters buffer, NJDEP approval will not have to be a condition of approval**

Mr Ray Shea Esq. and Brian Flannery P.E. for the applicant and I met at the site approximately a year ago, we had a preliminary concept design assisted with divisions of the zone and because of its location on Route 88 as you'll readily observe we made a decision to terminate all access and conflict on Route 88, turn the entire development to the inside and that's the only reason we are seeking these technical variances because we think this is a superior design. If you look at the plans we could have a variance and waiver free application by adhering to the street provisions of the ordinance. Mr. Brian Flannery introduced exhibit drawings A1 through A8. Beginning with A5 Mr. Flannery explained that it is a conforming plan, the R10 Zone permits duplexes. This is a unique piece of property that has frontage on Ocean Ave. If we did a conventional sub division of this property, maximizing the number of units we would have duplexes fronting on Bergen Avenue and Ocean Avenue and a few on Somerset Avenue. After making the changes to the development we are now proposing single family homes on these lots for the better development, they are all single family zero lot line detached similar to the Pine River concept. The application is for 25 single family units the predominate access and parking for the units will be on an internal parking area. There is one end unit that faces Somerset Avenue. There is no access to Ocean Avenue. There is a landscape buffer along Ocean Avenue and Linden Avenue and along Bergen in the rear of the units. The DOT has installed sidewalks along Ocean Avenue recently. We have provided four parking spaces per unit. The units have basements and rear yards with decks. There are two open space lots, one in the middle of the development and one area along Ocean Avenue for recreation and a tot lot. There is one unit that will be a place of worship; this restriction will run with the building from owner to owner. The place of worship will be in the basement. The report lists several variances that are required to have a development as shown in plan A4 as opposed to plan A5. There are no problems with the drainage in this area, Mr. Flannery reviewed the waiver and variance requests in section II Zoning, the reasoning for this is in accordance with the Municipal Land Use Law these are all C2 variances. We have to show you five different things: 1) that it relates to the specific property and there is something special about it, certainly this property which needs the redevelopment because of access to route 88, it meets that aspect of it. 2) You have to show that the purpose of the Municipal Land Use Law is advanced, this one clearly falls under I on the purposes of the act, to promote a desirable visual

environment and good civic design arrangements and this clearly falls under that. 3) You have to show that the variances can be granted with out any substantial detriment to the public good, looking at Exhibit A5 and A4, that is blatantly obvious. 4) The benefits have to outweigh the detriment and, 5) you will not impair the purpose and intent of the zoning ordinance, you are sticking to the density and doing what the Master Plan provides for. In regards to page 5 A-1 in request that we remove the driveway aprons that were just put in. I would respectfully request that we leave the aprons as is , they can be used for handicapped access as well as for children on bikes to get out of the roadway and I don't think there is anything negative about them being there. The rest of the comments in the report we agree with in totality. On the last page under Regulatory Approval Mr. Vogt indicates that we don't need DEP approval any more, we would respectfully request that we don't need to go to DOT because we have shown a dedication Right of Way we would offer it to the DOT if they take it which they should so that the right of the way is consistent, good, if they don't take it we will reserve it for a future right of way dedication whenever they decide they want it.

Mr. Vogt asked if they are in compliance, if it is approved can you supply us something as to why you don't need a permit. Mr. Flannery answered, yes and the rest of the items in the report will be satisfied in full.

Mr. Vogt stated for the record that the Storm Water Management System is entirely owned and maintained by the HOA.

Mr. Franklin questioned if there would be a pass through gate on Ocean Avenue so that the HOA can maintain the grassy area between the sidewalk and curb on Ocean Ave. Mr. Flannery stated that it does not show on the plan at this time but it will be added.

Mr. Neiman questioned that garbage pick-up and how it would be handled. MR. Flannery stated that they had met with Public Works and the homes with frontage on the street will put their cans out to the curb and the other units will be designated one of the four parking spot available to them as a place for their cans in pick up day.

Mr. Banas remarked that the development is a good looking development and would the units look like the drawings upon completion. Mr. Shea invited the Board to put into its approval the stipulation that the actual units resemble the Architectural drawings.

Mr. Banas then questioned that the decks on the rear of the units will be able to be seen from Route 88. Mr Flannery explained that yes at the inception of the development the Green Giant Arborvitaes would only be about six to eight feet but that the grower suggested that the trees could grow one to three feet a year and will fill out broad not wide so as not to take up rear yard space but in a few years the trees would cover the deck elevation.

Mr, Neiman opened the microphone to the public.

Mr. David Mayer, 102 North Oakland Street, Lakewood NJ, the tot lot is adjacent to his property and he has a large dog, how much of a buffer would separate the properties and could the tot lot be moved as far away from the fence as possible. Mr. Flannery answered that they are putting a six foot vinyl fence around the perimeter of the property and the tot lot will be moved away from the fence as possible.

Mr. Mayer then asked why there is no retention basin in the area since the drainage is very poor in the area. Mr. Flannery explained that there is an underground recharge system. All the drainage is done with underground pipes.

Mr. Neiman asked Mr. Vogt if he had reviewed the underground recharge system and is it satisfactory. Mr. Vogt stated that yes he had reviewed it and would be looking further into it during the compliance phase of the application.

Mr. Flannery stated that there were some comments that will be satisfied to the Board Engineer that we are fully compliant with all standards and the standards do require a reduction in the flow compared with the existing flows.

Mr. Franklin stated that the HOA will be in charge of all roads and drainage lines and it would be a good idea to put in the HOA agreement that the HOA must have an engineer check the piped at least every five years and give a report to the Township Engineers. Mr. Jackson invited the Board to include this as a condition of the resolution.

A motion was made by Mr. Schmuckler to accept this application and all that was discussed. Seconded by Mr. Fullman.

Roll Call, Mr. Herzl, yes, Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Neiman, yes, Mr. Akerman, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Percal, yes, MR. Schmuckler, yes.

Mr. Vogt suggested that the Board here testimony for both #4 and #5, since they are the same property.

4. SD # 1729 (Variance Requested)
Applicant: Congregation Kol Aryeh of Lakewood
Location: South east corner of 14th Street & Hope Chapel Road
Block 24.01 Lot s 10 & 11
Minor Subdivision to create 2 lots.

Project Description

The applicant seeks minor subdivision approval to realign a lot line between existing Lots 10 and 11 in Block 24.04. The purpose of the proposed lot line realignment is to allow for an addition to an existing synagogue on Lot 10. The addition to the synagogue will involve a separate site plan application. No building construction is proposed under this application.

A 13.50' strip of land is proposed to be taken from the rear of existing Lot 11 and given to the side of existing Lot 10 to allow for the construction of an addition to the synagogue on the northeast side of the building. Currently Lot 10 contains a bi-level

frame dwelling, a one-story masonry house of worship with basement, and a frame shed. The additional land would increase the lot area of proposed Lot 10.01 to 36,617 square feet. Presently Lot 11 contains a two-story frame dwelling. The reduction of land would decrease the lot area of proposed Lot 11.01 to 10,555 square feet. The properties involved in this application are located at the southerly intersection of Hope Chapel Road and Fourteenth Street. Proposed Lot 10.01 would have frontage on both roads, while proposed Lot 11.01 would have frontage along just Fourteenth Street. The proposed lots are situated within the R-12, Single Family Residential Zone. The site is mainly bordered by residential lands. The golf course for the Lakewood Country Club is on the opposite side of Hope Chapel Road. Hope Chapel Road is a County Road. A variable width dedication to Ocean County for road widening purposes is proposed across a portion of existing Lot 10 to create a consistent half right-of-way width of thirty-three feet (33') across the entire frontage of the property. Fourteenth Street is a Municipal Road which terminates at Hope Chapel Road in a "T" intersection. The Fourteenth Street right-of-way width is depicted as sixty feet (60') across the frontage of the property. Both roadways have turn slots at the intersection since they are well traveled. No sidewalk exists along the property frontages. Curb only exists at the intersection and in front of the synagogue parking lot.

We have the following comments and recommendations per testimony provided at the 4/13/10 Planning Board workshop hearing, and comments from our initial review letter dated March 29, 2010: (I)Zoning

(1) Our review indicates that adjoining existing Lot 3 is under the same ownership as the properties involved in this minor subdivision application. Furthermore, existing Lot 3 has been developed and is being used as a parking facility for the synagogue on existing Lot 10. Testimony must be provided as to why existing Lot 3 is not part of this minor subdivision application and/or corresponding site plan application. ***Testimony was provided at the workshop that Lot 3 is the subject of an application before the Zoning Board and therefore is not a part of this minor subdivision application.***

(2) The parcels are located in the R-12 Single Family Residential Zone. Single family detached housing is a permitted use in the zone. Places of worship including parish houses and classrooms are permitted uses in the zone. Sheds are accessory uses in the zone. Testimony should be provided regarding how the various uses conform to the zoning. Our review indicates the bi-level frame dwelling on the same lot as the house of worship is being used as a single-family residence, not a parish house. ***Testimony on the proposed uses is required.***

(3) A Minimum Lot Area variance is being requested for proposed Lot 11.01. The required lot area is twelve thousand square feet (12,000 SF). Existing Lot 11 conforms to the minimum lot area requirements since it contains 12,207 square feet. The proposed subdivision would reduce the land area of existing Lot 11 to 10,555 square feet in creating proposed Lot 11.01. ***Statements of fact.*** (4) A Minimum Rear Yard Setback variance is being requested for proposed Lot 11.01. The required rear yard setback is twenty feet (20') and a variance to allow a rear yard setback of 19.3 feet is being requested. However, there is an elevated wood deck on the rear of the existing dwelling which scales approximately seven feet (7') to the proposed property line. The correct proposed rear yard variance must be sought. ***The revised plan indicates the***

existing deck is 2'-9" in height. Since it is less than three feet (3') above the ground, it is not considered part of the building footprint and therefore is not included in the building setback or coverage calculations. The elevations provided on the revised survey confirm the existing deck height does not exceed three feet (3') above ground level. (5) An existing frame shed on existing Lot 10 is located near the property line of adjoining existing Lot 14. The shed is an accessory structure that is 6.3' from the side property line where ten feet (10') is required. Therefore, a side yard setback variance for an accessory structure is required to allow the shed to remain in its present location. **The required accessory side yard setback variance has been added to the bulk schedule.** (6) A waiver from constructing curb and sidewalk along the property frontages is necessary (if approved by the Board). **The existing curb at the corner of Hope Chapel Road and Fourteenth Street has been added to the plan. Curb has been proposed along the Fourteenth Street side of the project. Sidewalk has been proposed in front of proposed Lot 11.01. Therefore, waivers are requested from constructing curb along the Hope Chapel Road frontage and sidewalk along the proposed Lot 10.01 frontage. A design with proposed elevations will be required for the construction of any curb and sidewalk.** (7) The applicant must address the positive and negative criteria in support of the requested variances and waivers. **At the discretion of the Planning Board, supporting documents may 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 survey provided for the project is out of date and must be revised. Improvements to the synagogue portion of the site are new and in excellent condition. However, many of these improvements do not show on the survey. Furthermore, the survey lacks information along the entire frontage of the site and inaccurately depicts a dwelling on adjoining Lot 3 which is now a parking lot that is being used by the synagogue. **The plan has been updated and a separate survey map has been provided.** (2) An overlap is shown between existing Lots 2 and 10. Unless the overlap is resolved, the area in dispute shall not be used for the area and bulk requirements of proposed Lot 10.01. **The overlap has not been resolved. The revised map uses a smaller area for proposed Lot 10.01, but must still correct the lot line location and the proposed setback dimensions. This issue can be addressed during compliance should the project be approved.** (3) Reference to "duplex lots" shall be removed from the schedule of bulk requirements. **The revised plan has been corrected.** (4) In the Schedule of Bulk Requirements, the lot width for proposed Lot 10.01 would be more than one hundred feet (100') and should be increased accordingly. **The lot width still requires correction.** (5) Confirming testimony shall be provided that the maximum building coverage of twenty-five percent (25%) is not being exceeded. Specific percentages should be included in the Schedule of Bulk Requirements. **Specific percentages for building coverage have been added to the schedule of bulk requirements and are well below the maximum twenty-five percent (25%) allowed.** (6) Information should be provided on off-street parking. **Existing parking for the house of worship has been added to the plan. Off-street parking for the dwellings has not been addressed.** (7) The minor subdivision plan shows no construction is proposed at this

time. In a separate site plan application for proposed Lot 10.01, an addition is proposed to the existing synagogue building. **The revised plan only proposes construction of curb and sidewalk along Fourteenth Street for site improvements.** (8) The proposed lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. **The proposed lot numbers were approved on March 12, 2010.** (9) Compliance with the Map Filing Law is required. **Statement of fact.** (10) Sight triangle dedications should be provided and shown on the plat. **A sight triangle dedication to the County has been added at the intersection of Hope Chapel Road and Fourteenth Street.** (11) A proposed six foot (6') wide shade tree and utility easement shall be depicted on the plan along all property frontages (unless waived by the Board). **A proposed six foot (6') wide shade tree and utility easement has been added along the property frontages. The shade tree and utility easements should not overlap with sight triangle easements.** (12) No shade trees are proposed for the project. Landscaping should be provided to the satisfaction of the Board. **Proposed shade trees have not been added to the revised plan.** (13) The site location must be added to the Key Map and Zoning Map. **Corrections have been made to the revised plan.** (14) Unless the Board waives the construction of curb and sidewalk, construction details are required for improvements required by the Board. **Construction details have been provided for curb, sidewalk, depressed curb, and driveway aprons. Revisions are required to match the proposed plan views of the improvements.** (15) Testimony should be provided on existing utilities. It is believed that existing utilities would not be impacted by the Minor Subdivision. **The applicant's professionals indicate that testimony will be provided.** (III) **Regulatory Agency Approvals-** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; and (b) All other required outside agency approvals. **The applicant's professionals indicate that Ocean County Planning Board approval is pending.**

5. SD # 1930 (Variance Requested)
Applicant: Congregation Kol Aryeh of Lakewood
Location: South east corner of 14th Street & Hope Chapel Road
Block 24.01 Lot s 10.01
Minor Site Plan for existing Synagogue

Project Description

The applicant is seeking Minor Site Plan approval. The site plan is for proposed Lot 10.01 which would be created from a separate minor subdivision application with variances. The applicant proposes to construct a 13'-4" X 26'-6" building addition on the northeast side of the existing synagogue at the above-referenced location. The tract would consist of a 36,617 SF (0.84 acres) lot in area. The property contains an existing bi-level frame house, an existing one-story masonry house of worship with a basement, and a frame shed in the rear. The property is located in the northwest

portion of the Township on the south side of the intersection of Hope Chapel Road and Fourteenth Street. The majority of the adjacent and surrounding property is developed and consists of residential uses. The adjoining Lot 3 to the southwest contains an existing parking lot which has connecting walks to the synagogue.

The property is located in the R-12 Zone District. Single-family detached housing and places of worship including parish house and classrooms are permitted uses. Sheds are a permitted accessory use. **We have the following comments and recommendations per testimony provided at the 4/13/10 Planning Board workshop hearing, and comments from our initial review letter dated March 29, 2010:** (I) **Zoning** (1) Any variances and/or waivers pertaining to proposed Lot 10.01 which were granted as part of the Minor Subdivision application shall be incorporated into any Minor Site Plan approval, if granted. **Statement of fact.** (2) According to Section 18-905 B. 1. Perimeter Buffer: For properties adjacent to residential properties, if the site leaves a twenty foot (20') undisturbed area then there is no requirements for buffering. If the twenty foot (20') buffer is invaded or disturbed than requirements indicated in Section 18-905 B. 3 shall be put in place along the invaded area. A variance is necessary from the twenty foot (20') buffer requirement. **Testimony should be provided at the Public Hearing.** (3) The applicant must address the positive and negative criteria in support of the required variance. **At the discretion of the Planning Board, supporting documents may 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) Adjoining Lot 3 should be incorporate into the site plan since it is listed under the same ownership as proposed Lot 10.01 and is being used as a parking facility for the synagogue. A consolidation of the lots may be warranted. **Testimony was provided at the workshop that Lot 3 is the subject of an application before the Zoning Board and therefore is not a part of this Minor Site Plan application.** (2) No information has been provided regarding off-street parking. Data shall be provided according to Section 18-905 A., Parking Regulations. Existing spaces must be added to the site plan including handicapped parking. The site must be brought into compliance with the latest ADA requirements, such as providing detectable warning surfaces with truncated domes. **Existing parking spaces have been added to the revised Site Plan. Off-street parking information has been provided for the house of worship, but off-street parking for the dwellings has not been addressed.** (3) The existing trash enclosure shall be added to the plans. Testimony is required regarding refuse removal. **The existing dumpster location has been added to the plans. It is surrounded by a privacy fence. Testimony should be provided regarding refuse removal.** (4) Curb exists along part of the frontage of the property. No sidewalk exists across the entire frontage of the project. Unless a waiver from constructing curb and sidewalk was granted with the associated minor subdivision application, proposed curb and sidewalk must be added to the site plan. **A waiver is being acted upon by the Board on the Minor Subdivision application.** (5) The width discrepancy of the proposed building addition between the site plans and architectural plans must be rectified. **The width of the building addition has been corrected on the Site Plan.** (6) Revisions are necessary to the

following sections in the Schedule of Bulk Requirements: (a) Reference to “duplex lots”. (b) Proposed minimum lot width. (c) Proposed aggregate side yard setback. (d) Proposed rear yard setback. (e) Proposed building coverage. **Revisions have been made to the bulk requirements. However, corrections are still required to the proposed lot width, side, and rear yard setbacks.** (7) Minor typographical corrections are required to the Approval Box and General Notes. **The Approval Box has been corrected; the General Notes still require correction.** (8) The General Notes reference a survey on which the site plan has been based on. The survey must be updated since all the existing improvements are not shown. **An updated survey has been submitted.** (A) **Architectural** (1) The existing building and proposed addition are both one-story. Therefore, the project does not exceed the allowable building height of thirty-five feet (35'). **Statements of fact.** (2) The proposed addition will provide a new mechanical room in the basement and expansion of the library on the first floor. **Statement of fact.** (3) We recommend that locations of air conditioning equipment be shown. Said equipment should be adequately screened. **The revised site plan shows existing air conditioning equipment on the southwest side of the building surrounded by an existing fence. The existing air conditioning equipment on the northeast side of the building will be impacted by the addition and is not screened. Testimony and plan revisions should be provided on proposed alterations to the system.** (C) **Grading** (1) No proposed grading is shown. The current plans do not accurately indicate the existing site conditions. We recommend a detailed grading plan be provided. A 1”=10’ scale plan of the grading in the vicinity of the proposed addition shall be provided for review. Section 18-822 of the UDO, Soil Removal and Grading, shall be complied with. **A detailed grading plan has been provided at a 1”=10’ scale. The existing stepped concrete walk on the northeast side of the building must be shown since the addition will affect the proposed grading and site improvements.** (D) **Storm Water Management** (1) The disposition of storm water runoff must be addressed. There is more existing storm sewer on the site than is shown on the plans. Some of this existing storm sewer is located where the building addition is proposed. No design for relocating or altering the existing system has been provided. **The disposition of storm water runoff has been addressed on the grading plan. Clean outs and inverts should be added at the directional changes for the proposed underground roof leaders.** (2) General Note #7 states that all roof gutters and leaders shall be directly connected into the storm sewer system via underground PVC piping. A proposed design is required for review. **The design provided on the revised plans is acceptable.** (E) **Landscaping** (1) No additional landscaping or screening has been proposed for the project. The existing landscaping and site improvements are in very good condition. At the discretion of the board, additional buffering should be considered along the side yard property line where the building addition is proposed. **The Board should consider additional landscaping along the side yard property line. Existing shade trees within this side yard are not shown and some may require removal because of the proposed improvements.** (2) No shade tree and utility easement or shade trees have been proposed. Unless waived by the Board, the proposed easement and shade trees are required. The applicant must provide a legal description and easement language for review. The easement shall be filed as a

condition of approval. **Shade tree and utility easements have been proposed; however no shade trees have been proposed.** (F) **Lighting** (1) On-site lighting exists on the project, but has not been shown on the plans. The applicant must address the adequacy of on-site lighting. **The applicant's professionals indicate that testimony on lighting will be provided at the Public Hearing.** (G) **Utilities** (1) The plans indicate the site is served by public water and sewer facilities. The nature of the proposed addition should not require any alterations to the existing water and sewer facilities. **Statements of fact.** (H) **Construction Details** (1) Proposed construction details will be dependent upon the site improvements required by the Board. **Our office will thoroughly review the construction details during compliance, should approval be granted.** (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 @ 4,500 psi. **Statements of fact.** (3) Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. **Statement of fact.** (III) **Regulatory Agency Approvals** - Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District (if disturbance exceeds 5,000 SF); and (c) All other required outside agency approvals. **The applicant's engineer indicates that all outside agency approvals will be secured as a condition of approval.**

Mr. Brian Flannery spoke on the minor subdivision. What we are doing is taking a piece off the residential lot to expand the house of worship. The lot that we are taking a piece from will be minimally deficient in area but the reason for that is because the synagogue is an inherently beneficial use, we are trying to put an addition onto the synagogue to add an area to the library and a mechanical room. My testimony is that the Board can grant that without with out any substantial deterrent to the Zone Plan, Zone Ordinance. The variances that are requested in accordance with that are minimal.

Mr. Sam Brown Esq. on behalf of the applicant, all we are doing is moving the lot line to provide for the addition.

Mr. Banas questioned weather there will be sidewalks put in around the building and corner lot. Mr. Brown Esq. the corner property is not used for the synagogue it is used for a residence. At this time there are no sidewalks adjacent to the property but at such time as they become available on adjacent properties my client will put sidewalks around the whole property. Mr. Franklin stated that there have been sidewalks that lead nowhere before but eventually these sidewalks do meet up and the town benefits from this work he would ask for sidewalks on this application. Mr. Neiman stated that the Board can ask for sidewalks by the Synagogue but not the corner lot that has no bearing on the application.

Mr. Neiman opened the microphone to the public.

Rabbi Moses Schwartz of Congregation Kol Aryeh Synagogue spoke about how proud he is of the landscaping and parking lot at the Synagogue and in these trying

economic times they are trying to add to the Synagogue and he feels that putting in sidewalks would be a hardship.

Mr. Abe Buchler, 1470 14th Street, Lakewood NJ a neighbor of the Synagogue. He stated that to put in sidewalks on Hope Chapel Road would be very expensive and quite time consuming. Recently the County put in sidewalks from County Line Road to Miller but they chose to place a curb across from the Synagogue not in front of it. The Synagogue has access from 14th street via access walkways. He feels that putting a sidewalk on Hope Chapel by the parking lot would be a danger.

Mr. Flannery stated that all other items will be satisfied with the engineer for both the subdivision and site plan.

A motion was made by Mr. Herzl to approve the application of both the subdivision and site plan with the addition of the sidewalk on Hope Road in front of the parking lot. Seconded by Mr. Franklin.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Neiman, no, Mr. Banas, yes, Mr. Percal, yes.

Mr. Jackson asked Mr. Flannery to prepare a detail to MR. Vogt on the plan for the sidewalks on 14th street and in front of the parking lot on Hope Chapel Road. Mr. Flannery marked in red on the Site Plan.

6. SD # 1931 (Variance Requested)
Applicant: Gem Ambulance
Location: Northeast corner of Cedarbridge Avenue & Oberlin Avenue North
Block 1605 Lot s 1
Minor Site Plan to expand and reconfigure existing parking lot.

Project Description

The applicant is seeking Preliminary and Final Site Plan approval. The applicant proposes to reconfigure and add on to the existing parking lot with the addition of new curb and pavement to provide additional parking spaces for use by the proposed ambulance company. Partial interior renovations of the existing building are being proposed to accommodate the new use. The existing facility is located at the northeast intersection of Cedar Bridge Avenue and Oberlin Avenue North within the Lakewood Industrial Park. Access to the site is provided from two (2) existing driveways on the Oberlin Avenue North side of the site. Parking for employees will be provided throughout the property. A total of one hundred forty-nine (149) off-street parking spaces are proposed at the above-referenced location. According to the revised parking tabulation, one hundred thirty-seven (137) off-street parking spaces are required. This is based on the floor space being divided between warehouse/industrial use and office use. For the warehouse/industrial use, one (1)

space per employee and ten (10) spaces for executives are required for the size of the proposed facility. The tabulation lists that thirty (30) parking spaces are required for the warehouse/industrial use. For the office use, one (1) space is required for every two hundred square feet (200 SF) of gross floor area. Based on the seventeen thousand three hundred square feet (17,300 SF) of floor space, eighty-seven (87) parking spaces will be required. A three thousand square foot (3,000 SF) mezzanine area is also proposed requiring one (1) space for every one hundred fifty square feet (150 SF) of gross floor area. Therefore, the mezzanine area requires twenty (20) parking spaces. The tract consists of 3.80 acres in area, and is mostly developed with the exception of an undisturbed area near the eastern property boundary. The property generally slopes downwards from northwest to southeast. Freshwater wetlands and/or state open waters may not exist on-site, but are within three hundred feet (300') of the tract. The site fronts the northeast intersection of Cedar Bridge Avenue and Oberlin Avenue North, a signalized intersection. The roadways are improved with municipally supplied water and sewer services available in the roadways. Surrounding lands are all improved with large commercial and industrial land uses. The site is located in the M-1 Industrial Zone. ***We have the following comments and recommendations per testimony provided at the 4/13/10 Planning Board workshop hearing, and comments from our initial review letter dated April 5, 2010:*** (1) ***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 uses to confirm they are consistent with the zone. ***As testified to at the workshop, the proposed application is to convert about half of the existing building to administrative offices and a training facility for the ambulance business. Existing warehouse use in the west portion of the building is to remain at this time.*** (2) A minimum lot width variance should be granted to satisfy an existing condition. The project is situated on a corner lot. The lot width from Oberlin Avenue North to the side lot line perpendicular to Cedar Bridge Avenue is two hundred ninety feet (290'), where three hundred feet (300') is required. It should be noted that the project frontage along Oberlin Avenue North is in excess of three hundred feet (300'). ***Relief is sought for the existing non-conformance.*** (3) The minimum front yard setback may be reduced from one hundred feet (100') to fifty feet (50') with approval of the Lakewood Industrial Commission. The existing building has a front yard setback of 70.63'. Therefore, the minimum front yard setback reduction should have been previously approved by the Industrial Commission. Confirming testimony should be provided. ***The Lakewood Industrial Commission has no objection to the reduced front yard setback as evidenced in their April 7, 2010 memorandum.*** (4) A minimum side yard setback variance is requested to satisfy an existing condition. The existing building is located 29.19' from the side property line that intersects Cedar Bridge Avenue, where thirty feet (30') is required. ***Relief is sought for the existing non-conformance.*** (5) Per review of the site plans and application, the following design waivers are required: (a) 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 7.4'. The existing site is conforming since all parking facilities are beyond twenty feet (20') from the street line. ***The design waiver is sought because the introduction of additional***

spaces is constrained by buffer requirements associated with a Category One waterway. (b) Providing sidewalk along the site frontages (Subsection 18-814.M.). It should be noted that because of the existing curb location on Oberlin Avenue North, proposed sidewalk along this frontage would require a sidewalk easement at the existing curve where the right-of-way and pavement tapers. **Relief is sought from providing sidewalk along the site frontages since the project is in the Industrial Park.** (c) Any and all other design waivers deemed necessary by the Board. **Statement of fact.** (6) The applicant must address the positive and negative criteria in support of the required variances and design waivers. **At the discretion of the Planning Board, supporting documents may 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) General Note #12 states the following: "A Category One waterway is located adjacent to the site. A 300 foot buffer is required. No disturbance is proposed within the riparian buffer." The last statement is partially true. The site is within the buffer and modifications to the existing disturbed area proposed appears to be compliant, confirming testimony is required. **The last sentence has been revised to "No disturbance to any vegetation is proposed within the riparian buffer". Other modifications are proposed in the form of replacing impervious areas with other impervious areas.** (2) General Note #11 must be clarified. We believe the intent is to design the site in accordance with the "Manual on Uniform Traffic Control Devices, latest edition". **The note has been corrected.** (3) A twenty foot (20') wide drainage easement is shown on the Survey, split equally between Lots 1 and 2, on the north side of the project. The dedicated party must be added to the easement. A gravel parking lot encroaches upon the easement. It is the applicant's responsibility to remove the portion of the gravel parking lot encroaching on the easement from Lot 1. **The Survey and plans must indicate the dedicated party of the drainage easement. The plans propose the removal of the encroaching portion of the gravel parking lot from Lot 1.** (4) One hundred forty-nine (149) parking spaces are proposed for the site. However, only two (2) spaces are proposed for handicapped use, both are van accessible. Additional handicapped parking is required. Also, Note #2 under the Parking Tabulation requires clarification. **The one hundred forty-nine (149) parking spaces proposed cannot be attained without plan revisions. There are too many unresolved conflicts with the building and building access points. The latest plan indicates that one hundred thirty-seven (137) parking spaces are required, five (5) of which would have to be for handicapped use. The applicant must revise the plans and may consider proposing fewer spaces while still complying with the parking requirements.** (5) No proposed solid waste enclosure is shown on the plans. Testimony is required regarding the removal of recyclable material and solid waste. Any waste receptacle area required should be designed in accordance with Section 18-809.E. of the UDO. **A proposed solid waste enclosure has been added in the eastern corner of the parking lot. The solid waste enclosure is not being screened. Testimony should be provided on the adequacy of the proposed enclosure. Construction details for the enclosure should be completed.** (6) There is an area adjacent to the loading area which is not being counted as a proposed parking space. This area

shall be striped as a no parking area. **The area adjacent to the loading area is being striped as a no parking area.** (7) A landscape island on the south side of the building is being removed and replaced with a parking space. This area shall be shaded with the new pavement designation. **The plan has been clarified.** (8) Existing guide rail will be removed and air conditioning units relocated from the west side of the building to allow for a proposed sidewalk. The new location of the air conditioning units must be shown. Furthermore, there are existing gas meters and roof leaders on the west side of the building which will not allow the proposed sidewalk to be passable unless they are relocated or the sidewalk is widened. **Air conditioning units will be removed and roof mounted. However, roof leaders which are not shown on the site plan or architectural plan, gas meters, and new electrical/telephone equipment which is under installation, will continue to exist on the west side of the building. We question whether a passable sidewalk width can be attained. Furthermore, the eastern loading ramp has been removed, replaced with pavement, and a new building access point protruding from the building face has been added. Reconfiguration of the rear parking lot is required.** (9) No curb exists along the eastern side of the existing parking area. Some existing runoff drains from the pavement to a poorly kept landscaped area before it travels off-site to the C-1 waterway. There is a gap in the existing curb which allows the existing parking area along the Cedar Bridge Avenue side of the site to drain to the C-1 waterway. **A waiver from the curb construction is required.** (10) No sight triangles associated with the existing vehicular site access points have been indicated. **Visibility at the northern vehicular site access is poor because of the curve and existing vegetation.** (11) Cedar Bridge Avenue and Oberlin Avenue North are improved with utilities, curbing, and pavement. No sidewalk exists within the right-of-ways and none is proposed. This is consistent with the other site plans in the Industrial Park. Sections of curbing along the site frontage are in need of replacement. **Damaged and deteriorated curb should be replaced by the applicant. Sidewalk construction is contingent on the Board's granting of a waiver.** (12) The upgrading of existing handicapped facilities on the site has not been addressed. Parking spaces are proposed at existing handicapped ramp locations. **The revised plan attempts to address the required handicapped parking. However, further revisions are required.** (B) **Architectural** (1) No architectural plans were submitted for review. No changes to the existing building dimensions are proposed. However, basic architectural floor plans and elevations should be submitted for review. Exterior elevation and floor plan layout alterations are anticipated. The proposed improvements conflict with many of the existing building access points. **Architectural floor plans have been transmitted for review. No changes to the outside existing building dimensions are proposed. Interior floor plan layout alterations are proposed. Exterior elevations have not been provided and proposed site improvements conflict with the building, particularly at the existing building access points. The access point where the loading dock was removed is in conflict with the plan provided since it protrudes from the face of building.** (2) The applicant's professionals should provide testimony regarding the proposed building facade, and treatments. Our review of the site plans indicates exterior alterations will be necessary. We recommend that renderings be provided for the Board's review and use prior to the

public hearing, at a minimum. **No elevations or exterior alterations have been provided. We recommend plans be presented at the Public Hearing to show the proposed building modifications.** (3) Testimony should be provided as to whether any roof-mounted HVAC equipment is proposed. If so, said equipment should be adequately screened. The relocation of existing air conditioning units on the west side of the building has not been addressed. **The revised site plans indicate the existing air conditioning units on the west side of the building will be roof-mounted. Architectural plans depicting the screening of the roof-mounted units are required.** © (C) Grading (1) A grading plan is provided on Sheet 3. Additional existing and proposed spot grades are required to review the project. The current site plan indicates the project is poorly graded and additional storm sewer is necessary. We observed numerous puddles throughout the paved areas during our site investigation. **Repairs have been made to the existing pavement. However, the pavement remains in poor condition and poorly graded. At a minimum, pavement milling, pavement overlay, and partial pavement reconstruction is necessary to provide minimum pavement grades of 0.50% and a reasonable surface.** (2) The proposed grading is too flat in many instances. Proposed grading on impervious surfaces must be designed to the hundredth of a foot. **Some existing parking lot grading is required. There is a low point along the northeast parking lot curb which does and will continue to trap runoff. The inclusion of additional existing spot grades could assist in limiting the amount of proposed grading required.** (D) Storm Water Management (1) Our office concurs the proposed project will result in the construction of less than a quarter acre of new impervious surface. However, the project ultimately approved may not result in less than one (1) acre of disturbance. The poor condition of the existing parking area and rear landscape area is not being addressed at this time. In addition, improvements are being modified within the three hundred foot (300') C-1 Waterway Buffer. **The total amount of disturbance shall be calculated to determine that storm water detention facilities are not required in accordance with current regulations.** (2) The plans indicate an inlet on the west side of the building with an exiting six inch (6") pipe leading toward Oberlin Avenue North. We observed this pipe discharging through the existing curb line on Oberlin Avenue North. The future disposition of this inlet and pipe is not indicated. Sidewalk is being proposed at the inlet location. Only one (1) other existing inlet is shown on the site. This inlet is located in the center of a large paved area north of the building. Three (3) existing pipes enter the inlet (presumably loading area trench drains and roof drains) and a fifteen inch (15") pipe exits the inlet and connects to an inlet in Oberlin Avenue North. The Survey indicates the inlet in Oberlin Avenue North is inaccessible. As a result, no other pipes entering or exiting the Oberlin Avenue North inlet are shown. A larger pipe probably exits this inlet and runs through the existing drainage easement between Lots 1 and 2. As mentioned previously, the parking area along the Cedar Bridge Avenue frontage drains through a gap in the existing curb. **The inlet on the west side of the building is being converted to a manhole with a square cover since virtually all the runoff is being directed to the inlet north of the building. Otherwise, there are no alterations proposed to the storm drainage system. Information should be provided on the large pipe running through the existing drainage easement.** (3) Our review of the proposed

grading and drainage indicates additional storm sewer is necessary. The site is too flat to properly convey all runoff to the existing drainage facilities. **Minor revisions have been made to the Grading Plan. Further revisions are required to attain a minimum grade of 0.50% throughout the project site, which is an accepted design standard. Lowering the existing grate elevation may be necessary to avoid proposing additional storm drainage.**

(E) Landscaping (1) A Landscape Plan has not been provided for review. Clearing of existing vegetation will occur along the Oberlin Avenue North side of the project to accommodate the parking area expansion. **A Landscape Plan has been provided for review. Landscaping has been depicted in areas where existing vegetation will be removed as a result of the proposed activities. Five (5) Kwanzan Cherry, fifteen (15) Winged Burning Bush, and fifteen (15) Japanese Azaleas are proposed. Minor corrections are required to the Landscape Architectural Notes.** (2) The overall landscape design is subject to review and approval by the Board. **The Board should provide the applicant with landscape design recommendations, if any.** (3) The applicant has not provided a six foot (6') shade tree and utility easement along the Oberlin Avenue North property frontage, and sight triangle easements for the existing site access driveways. An existing fifty foot (50') wide vegetative buffer easement is shown along the Cedar Bridge Avenue frontage. **A six foot (6') wide shade tree and utility easement has been provided along Oberlin Avenue North. Sight triangle easements must be added for the existing northern site access driveway.** **(F) Lighting** (1) A Lighting Plan has not been provided for review. Information should be provided on site lighting. There are existing building mounted lighting fixtures, but no existing pole mounted lighting fixtures on the site. A point to point diagram is recommended. **A Lighting Plan has been provided for review. Existing building mounted fixtures are either being supplemented with 175W wall mounted lights or converted to 250W flood lights. The correct details and a point to point diagram are required to assure pole mounted fixtures are not also necessary.** **(G) Utilities** (1) Public water and sewer service is being provided by the Lakewood Township Municipal Utilities Authority. No new water and sewer services are being proposed. **Statements of fact.** (2) Electric service is provided from Jersey Central Power & Light and is connected by overhead wires to the northwest corner of the building where the electric meters are located. Gas service is provided from New Jersey Natural Gas Company as evidenced by the meters located on the west side of the building. Existing electric and gas facilities are indicated on the plans. **Testimony should be provided on the new underground electrical/telephone work taking place on-site.** (3) Testimony should be provided regarding existing and proposed fire protection measures. **The applicant's professionals indicate that internal fire protection will be upgraded as required by the NJ Building Code.** **(H) Signage** (1) An existing sign is located within the existing sight triangle easement. Unless the existing sign is removed, it will require a setback variance. **The existing sign is not to be altered except for changing of the owner/tenant names as appropriate. Therefore, a setback variance will be necessary for the non-compliant location.** (2) No 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. **An existing free-standing sign location is shown and no zoning information has been provided. No other signage is proposed.** (3) All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with the Township Ordinance. **Statement of fact.** (I) **Environmental (1) Site Description** - Per review of the site plans, aerial photography, and a site inspection of the property, the tract is a developed property fronting on the northeast corner of the intersection of Cedar Bridge Avenue and Oberlin Avenue North in the Lakewood Industrial Campus. The remaining vegetation on site consists of native species. Most of the site is developed with the exception of the eastern property boundary. The property generally slopes downwards from northwest to southeast. Freshwater wetlands and/or state open waters may not exist on-site, but are within three hundred feet (300') of the site. **Statements of fact.** (2) **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. The following data layers were reviewed to evaluate potential environmental issues associated with development of this property: (a) Known Contaminated Sites (including deed notices of contaminated areas); (b) Wood Turtle and Urban Peregrine habitat areas; and (c) NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, forest, and grassland habitat areas. We recommend that all on-site materials from the proposed pavement reconstruction activities be removed and disposed in accordance with applicable local and state regulations. **A note has been added that "all on-site pavements removed and any other wastes generated as a result of construction shall be properly removed and disposed off-site in accordance with applicable regulations".** (3) **Tree Management Plan** - No Tree Management Plan was submitted or appears necessary given the minimal amount of clearing required for the proposed improvements. **Statement of fact.** (4) **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. **The applicant's professionals indicate a Phase I Study does not exist.** (J) **Construction Details** (1) Construction details are provided on Sheet 3 of the plans. **Statement of fact.** (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 @ 4,500 psi. **The details have been revised.** (3) Corrections are required to the typical pavement section detail. **Because of the truck traffic we recommend a pavement section of two inches (2") of top, four inches (4") of stabilized base, and six inches (6") of stone. The note shall read "sub grade", not "sub graded".** (4) Handicap Ramp Details must be in accordance with the latest NJDOT Standard Construction Details. **The appropriate details must be taken from Sheet 51 of the 2007 NJDOT Standard Construction Details.** (5) A depressed concrete curb detail is required. **Only a full depth curb detail has been provided.** (6) Performance guarantees should be posted for any required

improvements in accordance with Ordinance provisions. **Statement of fact.** (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) Ocean County Planning Board; (c) Ocean County Soil Conservation District; (d) NJDEP (proposed riparian buffer disturbance, if required); and (e) All other required outside agency approvals. **The Lakewood Township Industrial Commission issued a no objection memorandum dated April 7, 2010. Ocean County Planning Board approved the project on March 17, 2010. The Ocean County Soil Conservation District certified the project on March 12, 2010. However, plan revisions will require a revised certification. NJDEP approval may be required depending on the final plan submitted.**

Mr. John Doyle Esq. for the applicant explained that the project is intended to offer additional parking spaces and to convert about half of the building to office space training space and a call center. The ambulances will not be responding to calls from this site, they are located at satellite offices around Ocean County.

Mr. Graham J. MacFarlane P.E. spoke about the site plan and the changes requested. He is in receipt of the Engineers report and there are a couple of items he commented on specifically the variances requested for the project. The first one deals with the lot width, the standard lot width requirement is 300 feet, this lot is 290 feet along Cedarbridge it is an existing non performance that we can not alter at this time. There is also a variance required for front yard setback of 100 feet this lot has 70.63 feet along Oberlin Ave., again this is an existing non performance that can not be altered at this time. The Industrial Commission has approved the request for this particular variance with out any issue and in similar fashion there is a slight deviation side yard where it is setback at the south corner where 30 feet is required there is 29.2 feet currently existing. We are seeking waiver from providing sidewalk along the front of the property, this project is in the Industrial Park where there is very limited pedestrian traffic and sidewalks are not typically required along property in the Industrial Park. There is also one other design waiver question that deals with the proximity of the parking area to the public street specifically along Oberlin Ave. the ordinance requirement dictates 20 feet between the road and the parking area we have a variance to reduce that to about 7.4 feet at its narrowest and the reason is simply that the property is constrained by a 300 foot C-1 buffer in the rear of the property that prohibits us from any development in the rear portion of the site. The only alternative that we have for expanding the parking on site and increasing the use of the site is to encroach on Oberlin Avenue, so we believe it is a environmentally responsible alternative that does not require us to encroach into the C-1 waterway buffer. There are two other issues to report one is the sidewalk that is only three feet wide where there are gas meters. The gas meters protrude from the side of the building for a length of 7 or 8 feet where the sidewalk width is reduced. Due to the lack of pedestrian use of the sidewalk we feel this is of a limited nature. The curbs are damaged along Oberlin Avenue but we did not put the curbs in therefore we believe that we do not own the curbs and should not have to repair it.

Mr. Franklin stated that the homeowner is responsible for the curb repair and in this case the applicant is the homeowner.

Mr. Vogt agreed that the width of the sidewalk by the gas meters is sufficient. He then asked Mr. MacFarlane to submit an Architectural Plan with building elevations.

Mr. Macfarlane stated that there are no modifications proposed to the façade or exterior of the building except for one overhead door that will be removed and a few windows that are being removed. With that being the case we would ask relief from having to provide elevations. Mr. Vogt stated that that is a reasonable request.

A motion was made by Mr. Herzl to approve the application with the fixing of the curb. Seconded by Mrs. Koutsouris.

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

6. CORRESPONDENCE

7. PUBLIC PORTION

Mr. Yaakov Goldfischer, 9 Rose Park Crescent, Lakewood NJ. Would like to know how the Board can grant a variance on a street such as Emanuel Road, between Martin Luther King and Warren Street. The road is so narrow that when people park their cars on the road and a School Bus is trying to come down the block it poses a grave danger for the children on the street. Mr. Kiert stated that a letter was sent to the Township Committee in regard to a no parking law on Emanuel Road. The letter was misplaced. Mr Jackson said he would send a letter from his office to be read at the next Township Committee meeting regarding this problem, Mr. Neiman stated he would attend the meeting and make sure the issue is discussed.

8. APPROVAL OF THE MINUTES

Minutes from May 6, Planning Board Meeting.

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

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

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

PLANNING BOARD MEETING
MAY 25, 2010

TOWNSHIP OF LAKEWOOD
REGULAR MEETING

Respectfully submitted
Margaret Stazko
Planning Board Recording Secretary