

**LAKWOOD PLANNING BOARD  
PLAN REVIEW MEETING  
MINUTES  
JUNE 3, 2008**

**I. CERTIFICATION OF COMPLIANCE**

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

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

**2. ROLL CALL**

Mr. Franklin, Committeeman Miller, Mr. Neiman, Mr. Banas, Mrs. Koutsouris, Mr. Akerman, Mr. Fink, Mr. Schmuckler

**3. SWEARING IN OF PROFESSIONALS**

Mr. Peters and Mr. Truscott were sworn in.

Ms. Johnson said there was one change to the agenda. **Item #5 – SP 1885 Omnipoint Communications LLC** did not notice for this meeting and they will be placed on the agenda of July 1, 2008 and will notice for that meeting.

**4. NEW BUSINESS**

**1. SP# 1721B (NO VARIANCE REQUESTED)**

**APPLICANT: BNOS RIVKA ROCHEL**

Location: Route 9 & Pine Street  
Block 768 Lot 40  
Block 776 Lot 4

Preliminary & Final Site Plan for proposed addition to existing school

Mr. Peters stated the Applicant is seeking Preliminary and Final Site Plan Approval for Block 768, Lot 40 and Block 776, Lot 4 to construct a 19,100 SF school addition to an existing school. The property has frontages along River Avenue (N.J.S.H. RT. 9) and Pine Street. The site is situated within the HD-6 and R-10 zoning districts. The applicant is requesting a front yard setback variance along the Route 9 property frontage; 100.3 FT are proposed, where 150 FT is required (when adjacent to state highways). The front yard

setback dimension shall be added to the plans. The site has frontage on both River Avenue and Pine Street and therefore has one rear yard and one side yard. Based on the layout of the site the side yard should be located to the north of the building and the rear yard to the east. The setback in the zoning table shall be revised accordingly. The stream on the site behind the existing building is a tributary to the Metedeconk River, a category one water, and therefore should be treated as a category one water. The applicant will likely need to obtain an NJDEP Flood Hazard Area Control Act Permit. At a minimum a jurisdictional determination will be required from the NJDEP. Outside agency approvals will be required from Ocean County Planning Board, Ocean County Soil Conservation District, and NJDEP for Flood Hazard Area Permit. Evidence of the approvals should be made a condition of the Planning Board Site Plan approval. Due to the proposed building addition, the existing eighty one (81) parking spaces shown on the Existing Conditions Plan will be reduced to seventy four (74). The applicant shows in the zoning schedule, after completion of the addition, there will be twenty eight (28) classrooms and thirteen (13) offices in the building, which yield a total of forty one (41) required parking spaces. As shown on the architectural plans, the building addition will contain an art room, a computer room, a music room, a library, and three (3) offices. The applicant has shown the existing building layout on the architectural plans; however, the plans did not call out the use of existing rooms. The applicant shall provide testimony on number of existing class rooms and offices that will affect the required parking space calculations. The Planning Board should determine if the provided parking spaces will be adequate. Section 18-908 of the Lakewood UDO requires a twenty (20) foot buffer to adjacent residential lots. A note shown on the Cover Sheet states that Lots 38 and 40 Block 768, and Lot 4, Block 776 are all owned by the applicant. The applicant shall provide testimony on use of the neighboring Lots 37 and 34.01, since the existing parking lots are located within twenty (20) FT of the property lines. No landscaping is either existing or proposed along the property lines. The applicant shall discuss with the board to what extent landscaped buffers will be provided in both locations. A waiver will be required if the applicant proposes buffers less than twenty (20) feet in width. Although under common ownership Block 776, Lot 4 and Block 768, Lot 38 are separate lots. Setbacks shall be measured from the building to the nearest lot line. The applicant shows on the plans an existing access & drainage easement along the northern property lines of adjacent Lot 38. The applicant shall provide documentation of the easement to the Planning Board for review. Sidewalks are existing along River Avenue and a portion of Pine Street at the property frontages. Curbs and sidewalks along the remainder of Pine Street at the property frontages are generally required by the Planning Board. The applicant shall address this issue. A six foot shade tree and utility easement along the property frontage is usually required to be dedicated to the Township. The Planning Board should determine if such easements will be required for this application. An additional trash enclosure may be required for handling of additional solid waste from proposed addition. The applicant shall provide testimony on the anticipated increase in solid waste. The applicant shall revise the plans to clearly identify the block and lot numbers for all the lots. The applicant shall revise the plans to show the street names along the property frontages. The NJDOT Typical Desired Section (TDS) half width of 57 feet shall be shown on the site plans. The balance of the comments are technical in nature.

Mr. Truscott read from a letter dated June 2, 2008. The applicant seeks amended preliminary and final site plan approval for a proposed approximately 38,200-square foot addition to an existing private school. The addition is intended to be used as a lunchroom/auditorium on the upper floor, and classrooms, a lounge room, a library and

offices on the basement floor. The site contains an existing school building and parking. The proposed addition is proposed in the rear of the current structure. The original site received Board approval in 2002. The property is located in both the HD-6 (Highway Development) and R-10 Residential Zones, and has frontage on River Avenue (NJSH Route 9) and Pine Street. Public and private schools are a permitted principal use in both zones. The existing front yard setback does not conform to minimum requirements of the HD-6 Zone District; 150 feet required and 100.3 feet provided. Therefore, a bulk "c" variance is required. The engineering plans state that the total number of classrooms and offices for the existing and proposed floor area is 28 classrooms, and 13 offices. However, the concept floor plan indicates 4 additional offices. Section 18-906C requires that schools provide one (1) space for each classroom, tutor room, library, meeting room and office. The applicant should testify as to the total number of each of the above rooms listed. Additionally, the applicant should clarify if the existing lunchrooms will be converted to offices or classrooms. Based on 28 classrooms and 13 offices, 41 spaces are required; whereas, 74 spaces are provided, and the onsite parking meets Ordinance requirements. However, it appears that the number of libraries and meeting rooms may not have been included in this calculation. It should be noted that the prior Resolution for the site indicated a parking requirement of 62 spaces, where 45 spaces were proposed. Please address. Section 18-906A of the Ordinance requires a twenty (20) foot buffer along property lines adjacent to residential uses, and ten (10) feet to non-residential uses. The plan does not appear to meet the buffer requirement adjacent to residential uses. A bulk "c" variance may be required.

Section 18-906E states that "bus loading and unloading areas be situated in a manner so that children do not cross any traffic lane or parking areas whatsoever, unless it is in an area that is curbed and physically separated from traffic circulation and specifically designated solely for bus loading and unloading." The bus loading and unloading areas should be indicated on the plan for review. Review Comments. The engineering plans state that the footprint is 19,100 square feet. The total floor area of the addition should be provided. Additionally, the concept plan lists a first floor area of 18,000 square feet, therefore, revised architectural drawings and floor plans should be submitted that reflect the revised floor area. The applicant should discuss the impact of the addition on the number of school children, staff, and parking requirements. The applicant should clarify the location of existing recreational areas onsite for the school. The applicant should address circulation and the proposed location of bus stacking for drop-off and pick-up. We defer to the Board Engineer for review of circulation, bus loading locations, the need for additional stop bars, and for review of turning templates relative to buses, emergency vehicles, and refuse. The plans should be revised to include a trash enclosure, which is adequately sized to handle onsite refuse and recycling. The location of proposed utilities for the addition should be indicated on the plan. The applicant should clarify whether the applicant intends to utilize septic, well, or public utilities. The plans indicate an area labeled "Reserved Parking Area" at the eastern extent of the site. The applicant should testify regarding approval for this area both by the Board and outside agencies. The plans should clarify the flood zone that the property is located in as well as the Base Flood Elevation. If the site is within a floodplain, then the building may need to be constructed one (1) foot above the BFE. The title block has inverted the block and lot information for Block 768, Lot 40. Please address. The lots should be consolidated, and a deed of consolidation submitted to the Board for review. The NJDOT Typical Desired Section half width of 57 feet shall be shown on the plans. Sidewalks are existing along River Avenue

and a portion of Pine Street at the property frontages. Curbs and sidewalks along the remainder of Pine Street at the property frontage should be considered by the Board. A lighting plan indicates proposed lighting in the vicinity of the sidewalk for the parking lot; however the parking lot appears to be inadequately lit. The applicant should clarify if functions occur at the school at night. It appears that additional lighting may be required. Environmental. The stream on the site behind the existing building is a tributary to the Metedeconk River, a Category One water. Therefore, the site appears to be subject to the NJDEP Flood Hazard Control Act. NJDEP approval is required. An Applicability Determination should be obtained from NJDEP. The applicant should testify regarding the presence/absence of wetlands onsite. A LOI should be obtained from NJDEP. An Environmental Impact Statement is required by the Lakewood Unified Development Ordinance. The remaining comments are technical in nature.

Mr. Pfeffer Esq. appeared on behalf of the applicant with Walter Hopkin as the engineer. Mr. Pfeffer stated the variance is pre existing, it is the former nursing home. Mr. Banas said it is grandfathered. Mr. Pfeffer said it is his opinion they do not need a permit from the DEP because it is previously disturbed property and if they cannot convince the professionals they will bring an environmental expert to the public hearing, He said the property is already blacktopped and in other locations they have received information that previously disturbed property does not require the new requirements of the DEP. Mr. Banas asked the professionals and Mr. Peters stated if the applicant has a previous notification and they can provide that to him it would be sufficient, but the State put in some stream encroachment rules recently which he was asking for a determination from the State on and Mr. Pfeffer said they will provide the regulations and Mr. Banas said not the regulations, the documents. Mr. Pfeffer said the regulations that are the documents that exempt previously disturbed property from these new requirements. There was some issue with regard to classrooms and Walter Hopkin said by ordinance according to 28 classrooms, 13 offices, 41 parking spaces are required and they are providing 74 and Mr. Truscott asked if that included all the meeting rooms, library, etc., and was told yes. Rabbi Kanarek said the children eat in shifts and this addition would enable them to eat together. It would be one big lunch room/assembly room and would also have a library and a science lab. Mr. Pfeffer said some of the lots have common ownership so they do not come under the province of the UDO with regard to buffers but they do not own Lots 37 & 34.01; those are owned by Oscars Electric and commercial lots require a 10 ft. buffer and they can comply and if the board feels they need additional landscaping they are ready to do that. The other lots are commonly owned by Rabbi Kanarek or members of his family and the school. Mr. Banas asked if they are going to consolidate all that is common within the family into one piece of property and Mr. Pfeffer said they have different mortgages on the parcel and they cannot make them into one mother lot. They are restricted to the uses and there are different parking elements to the plans but they were purchased at different times and they can't consolidate them. Mr. Banas said he was under the impression that the assessor's office does that automatically and was told only if it is undersized lots. Mr. Pfeffer said if they can consolidate the mortgage they will consolidate the lots and Mr. Banas said to do it in 2 weeks time. They will provide sidewalks on both Route 9 and Pine Street and Mr. Franklin said when a street is 28 ft. wide the sidewalk requirement is 4ft. and a 30 ft. roadway requires a 5 ft. sidewalk. They agree to a shade tree easement and they do not envision any more trash since there are not having additional students, only more space for them. They agree to the remainder of the items in the engineer's report.

With regard to the planners report, Mr. Pfeffer stated they would agree to the same stipulations as in the engineers report as far as the buffers and Mr. Banas asked what the side yard buffer was and Mr. Truscott said it was 10 ft. for non residential. They will show the bus loading and unloading zones on the plans. Mr. Pfeffer said there is a discrepancy on the concept plans they showed 18,000 sf on the architectural and now it is 19,100 sf and they agree to provide new architectural drawings showing 19,100 and if Rabbi Kanarek chooses to only build 18,000 it is his prerogative and it is better to get approved for the larger building. They agree to revise the plans to show the flood plane is one foot higher than the Base Flood Elevation. They agree to the remainder of the items in the planners report.

**Motion was made by Mr. Franklin, seconded by Mr. Miller, to advance to the meeting of June 17, 2008**

**ROLL CALL:** Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes

**2. SP# 1895 (VARIANCE REQUESTED)**

**APPLICANT: BETH MEDRASH GOVOHA**

Location: 9th & 10th Streets, between Clifton Avenue and Route 9  
Block 98 Lot 2

Preliminary & Final Site Plan for proposed building addition to existing school

Mr. Akerman recused himself for this application

Mr. Jackson said Mr. Truscott called him about this application because apparently his firm had did some work for this application several years ago and wondered if there was a conflict and Mr. Jackson asked him if he did the work for the applicant and Mr. Truscott said he did not and it was many years ago and he does not vote on the application so Mr. Jackson did not feel it was a conflict.

Mr. Peters stated the Applicant is seeking Preliminary and Final Site Plan Approval for Block 89, Lot 2. Two separate masonry buildings exist on site. The applicant has proposed to construct a new two (2) story school building and an additional floor to the existing three (3) story building. The property has frontages along Madison Avenue (NJ State Highway RT. 9), Ninth Street, Clifton Avenue, and Tenth Street. The site is situated within the RO-P residential office park zoning district. The applicant is requesting the following variances: Front yard setback; 6.5 FT are proposed to Tenth Street, where 25 FT is required. Side yard setback for one side and combined: 0 FT and 6 FT are proposed, where 12 FT is required for the setback to one side. Six FT are proposed, where 25 FT is required for the combined setback. The applicant shall revise the zoning schedule to show the proposed building coverage. We expect the coverage after construction of the proposed building will exceed the maximum allowable building coverage of 25%. A building coverage variance may be required. In addition, the applicant shows in the zoning schedule the height of the existing building will be less than 65 FT. Measuring from the architectural plan, the build will stand at 54 FT and 4 in tall which exceeds the maximum allowable height of 35 FT. A building height variance will be required. It appears

the existing structures do not meet a number of the RO-P zoning criteria. All variances should be listed in the zoning table. All existing conditions can be noted as existing non-conformities. The applicant shall provide explanation on where the six (6) FT provided combined side yard setback is measured from. Outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District. Evidence of the approvals should be made a condition of Planning Board approval. The applicant states in the zoning schedule, twenty three (23) parking spaces are required and the parking spaces provided exceed the number of the required parking spaces. The applicant shows on the architectural plans one (1) library, fourteen (14) classrooms, and one (1) Bais Medrash are proposed in the new building and twenty eight (28) dorm rooms on the proposed fourth floor of an existing build which contains thirty two (32) dorm rooms presently. In accordance with section 18-906 C. of the Lakewood UDO, one (1) parking space shall be provided for each library, classroom, tutor room, meeting room, and office; however, no parking requirement for dorm rooms is required in the UDO. The applicant shall provide testimony on the use of cars by students living in the dorms. In addition, the use of the multi story building on the western portion of the site shall be provided to determine the appropriate number of parking spaces. The Board should determine if the required parking spaces provided will be sufficient. Note #18 shown on the Site Plan, states that the school parking will be provided on the adjacent Lot 1 of Block 97. The applicant shall provide evidence that the lot will be sufficient to provide the required parking spaces. In addition, the applicant shall provide testimony on the handicap accessibility of the parking lot to the proposed building. An easement agreement to allow the use of the lot shall be provided to the Board for review. In accordance with section 18-906 A. 1. of the UDO, a 10 FT buffer is required to be provided along the western property line adjacent to Lot 5. The applicant should request a design waiver for the non-conformity of the UDO. Curbs and sidewalks exist along most of the property frontages. Existing sidewalks are disconnected along Ninth Street at the property frontage. A section of sidewalk shall be proposed to connect the existing sidewalks. A note shall be added to the plan stating any deteriorated or damaged curb and sidewalk will be replaced as directed by the Township Engineer. The applicant shall provide testimony on how additional solid waste generated by the new build and additional floor to an existing building will be handled. Neither proposed nor existing trash storage areas are shown on the plans. The applicant shows on the plans existing trailers are to be relocated within the site. The applicant shall provide testimony on purpose of the trailers. If the trailers are to be used as temporary classrooms for the school, the applicant will need approval from the Township Zoning Officer. In addition, the classrooms shall be designed in accordance with section G. of the UDO. The applicant shall provide testimony on the state of construction of the proposed fourth floor. Based on a site visit, the existing building which has been proposed with the floor appears to be currently under construction. The applicant shall revise the plans to call out Madison Avenue-State Highway RT. 9. The applicant shall revise the plans to show the typical desired section on state highway along Madison Avenue-State Highway RT. 9 at the property frontage. The applicant shows on the plan no landscaping is proposed. At minimum, we recommend street trees be added along the property frontages. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated June 3, 2008. The applicant is seeking preliminary/final major site plan and variance approval to construct a two (2) story school building addition with basement consisting of classrooms and a large study hall. In addition, approval is sought for a fourth story addition to the existing three-story dormitory.

The Beth Medrash Govoha (BMG) encompasses much of the block bounded by Ninth and Tenth Streets and Madison and Clifton Avenues. The two-story building addition will be located mid-block, with frontage on 10th Street. The existing dormitory is located at the northwest corner at the intersection of Clifton Avenue and 10th Street and is an accessory. The side of the two-story building addition contains six (6) trailers which will be relocated. The project site, Lot 2, is 2.75 acres in area and has frontage on four streets. The parcel is located in the ROP Residential Office Park Zone District. Schools are a permitted use. The following variances are requested: Front Yard Setback – a minimum of 25 feet is required, and 6.5 feet is proposed on Tenth Street. Side Yard Setback - a minimum of 12 feet is required, and two (2) is proposed on the west side of Lot 2, adjoining Lot 5. The positive and negative criteria for the requested variances should be addressed. The figure for building coverage is not provided in the Schedule of Bulk Requirements on Sheet 3. Please provide the appropriate building coverage figure. If a variance is required, please request same. The Planning Board should note that the building height of the dormitory building. The proposed height of the dorm building, which by the ordinance is measured as the average height of the plate and the ridge line, appears to be 46 feet. This height exceeds by 10 feet or 10% of the maximum height permitted in the district (35 feet). The Zoning Officer has determined that the dormitory is an accessory structure to the school which is the principal use. The maximum height of principal building in the ROP Zone is 35 feet; however, there is no height limitation in the bulk zoning schedule for accessory buildings in the ROP Zone. This is a unique situation as most accessory structures are generally lesser structures than the principal structures. In any case, any height variance for an accessory structure is a “c” variance which is within the jurisdiction of the Planning Board. It is our opinion that the maximum height allowed in the ROP Zone for an accessory structure, despite the omission in the ordinance, is 35 feet and the Board has jurisdiction for this variance. We will defer to the Board Attorney’s opinion on this matter. It is our recommendation that the Planning Board review the proposed height of the dormitory building from the standpoint of the surrounding area and structures. The Planning Board may wish to recommend to the Township Committee that height limitations be established for accessory structures.

Mr. Truscott asked if that made sense and that there is an omission in the ordinance. Mr. Banas said they did this 2 weeks ago.

The site plan indicates that a side yard setback variance was granted along the southern property line of Lot 1 for a setback of six (6) feet when 12 feet is required. Please submit the date of the resolution for reference purposes. We note that the front yard of the dormitory building at Clifton Avenue and Tenth Street has a front yard setback on Tenth Street of 9.8 feet, when a minimum of 25 feet is required. Please provide the Planning Board with the date of the resolution granting the front yard setback variance. Review Comments. Provide the correct block number on the application form. Indicate on the site plan the location of proposed parking. The location of foundation plantings should be identified on the site plan. The location of the solid waste collection area should be addressed. The balance of the comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer. Mr. Penzer said this is a first stage of an expansion for a school which has over 5,000 students and will double in the next 10 years. Mr. Flannery said they will respond to all the technical items in the reports and they will provide testimony at the public hearing. Mr. Banas asked if they did not reserve parking spaces for the synagogue on 10th Street on this property and Mr. Flannery said yes and said they can provide that information at the public hearing

and they will provide how there is no conflict on that. Mr. Banas said he wants to see those parking spaces identified on the plans and Mr. Flannery agreed.

Mr. Miller said they have pending with the Lakewood Police Department Traffic and Safety Division that along Clifton Avenue they will be removing a few spots to enable the buses to line up on 10th Street being there is a school in the vicinity. Mr. Penzer asked if the little league field will be a park and play and asked if they were going to put the parking on their side of the park and Mr. Miller said he did not know and it is too premature to comment on it at this point.

**Motion was made by Mr. Franklin, seconded by Mr. Schmuckler, to advance to the meeting of June 17, 2008**

**ROLL CALL:** Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes

**3. SD # 1617 (VARIANCE REQUESTED)**

**APPLICANT: LEW REALTY INC.**

Location: Ocean Avenue (Route 88) – former Ray Auer Buick  
Block 189.03 Lots 75 & 193

Minor Subdivision

Mr. Peters stated the applicant is seeking Minor Subdivision Approval for Block 189.03, Lots 75 & 193. The site currently contains an automobile dealership which will be removed. The applicant proposes to construct two buildings and associated parking areas for the Lots 75 & 193 under a separate application, number SP-1867A. The proposed subdivision is to relocate a lot line, two lots are existing and two lots are proposed. The site is located on Ocean Avenue in the B-4 Zoning District. No variances are requested by the applicant. Outside agencies approval from Ocean County Planning Board is required. Evidence of the approval shall be made a condition of the Planning Board Approval. The applicant will be required to obtain a wetlands' Letter of Interpretation from the NJDEP. The wetlands and wetland buffer limits shall be added to the plat with permanent markers set at the limits of the wetlands buffer. All wetlands and buffers should be deeded restricted and noted as such on the plans. The applicant shall provide a copy of the JCP&L easement agreement for review of any restrictions that may have been planed on the land. We question the need to create an "L" shaped lot and request the applicant provide testimony on the issue. The existing building labeled as to be removed, spans the proposed lot line. The building shall be removed prior to signature of the final plat or a bond posted to ensure the prompt removal after the subdivision is completed. The applicant shall revise the zoning schedule In accordance with section 18-903 D.3. of the Lakewood UDO for a site situated within the B-4 zoning district.

Mr. Peters said he had a discussion with the applicant's engineer who said they spoke to the zoning officer and there was a disagreement from the text of the UDO to the summary table of the UDO and during testimony the applicant's engineer could provide the board with some of the information on that conversation.



Based on review of tax maps, it appears that the JCP&L R.O.W. is a R.O.W. actually an easement. The applicant shall confirm that there is an easement and JCP&L does not own the land. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated April 30, 2008. The applicant is seeking minor subdivision plan approval to revise the lot boundary between two existing lots, Block 189.03 Lots 75 & 193, to create Block 189.03 Lots 75.01 and 193.01. The subject tract is occupied by a one-story commercial building, vacant land, two branches of the Metedeconck River, and a JCP&L right-of-way. The commercial structure on the lot is proposed to be removed. The subject parcel has several building constraints. The parcel contains a 240-foot wide JCP&L right-of-way that transverses the site and abuts the easterly property line. The Schoolhouse Branch and the Cabinfield Branch, which are northern branches of the Metedeconck River, intersect and run through the site. Additionally, there are wetlands covering the majority of the site, which encompass almost the entire vacant portion of the lot. The site fronts on the north side of Ocean Avenue (NJSH Route 88) and the parcel is split zoned with the Wholesale Service Zone District (B-4) located to the south and the Single-Family Residential Zone (R-20) to the north. The site is bordered by industrial use (owned by Bedrock Holdings) to the west, Horizons at Woodlake Greens owns the property to the north which is vacant along the border of the subject parcel, and a golf course and a commercial property to the east. The applicant has a Preliminary and Final Major Site Plan application (SP-1867A) pending for the subject tract. The subject parcel is split zoned with the Wholesale Service Zone District (B-4) located to the south and the Single Family Residential Zone (R-20) to the north. New or used car lots and storage facilities are listed as permitted uses in the B-4 Zone; however they are not permitted uses in the R-20 Zone. The applicant is only seeking minor subdivision approval under application number SD-1617; therefore, we will limit our review to the subdivision and proposed site development and discuss the use under our review for application number SP1867A. Section 18-901B(3) of the Unified Development Ordinance states “where a district boundary line divides a lot existing at the time of adoption of this chapter, the regulations applicable to the least restrictive district shall extend over the portion of the lot in the more restrictive district for a distance of not more than twenty feet.” The bulk requirements are listed below, and the least restrictive district appears to be the B-4 Zone District:

<b>Bulk Zoning Requirements</b>	<b>B-4 Zone</b>	<b>R-20 Zone</b>
Minimum Lot Area	20,000 square feet	20,000 square feet
Minimum Lot Width	100 feet	100 feet
Front Yard Setback	25 feet	30 feet
Rear Yard Setback	30 feet	20 feet
Side Yard Setback/Combined	10 feet/ 20 feet	10 feet/ 25 feet
Max. Building Lot Coverage	No Requirement	25 %
Max Building Height	45 feet	35 feet

The applicant does not appear to be requesting any variances as part of the subdivision application. Review Comments. The applicant should clarify the purpose of the configurations of the proposed lots. The applicant proposes a 130 foot by 35 foot extension along the frontage of proposed Lot 193.01. Further, the site plan that is pending before the Board indicates buildings with shared access and parking utilizing the parcel, which will require cross access easements. The applicant should consider revising the lot

lines to eliminate the 130 foot by 35 foot extension along the frontage of proposed Lot 193.01. The plan indicates a JCP&L right-of-way that traverses the property. The applicant should review whether this is a right-of-way or an easement. We recommend that JCP&L receive a copy of the proposed subdivision for comment. The plan indicates the building to be removed. The plan should be revised to also indicate all pavement areas to be removed. All disturbed areas should be stabilized. Additionally, should the site plan application for the site not be approved, then the subdivision plan should indicate the site to be stabilized with topsoil and seeding, and street trees and sidewalk should be provided along the site's frontage. The applicant should clarify the existing right-of-way width of Ocean Avenue/Route 88. Based on the alignment of the front property line of the tract with adjoining properties on both sides, a right-of-way dedication may be necessary. This issue should be discussed with the Board. Proposed grading within the limits of the demolition and clearing should be provided. We defer to the Board Engineer for review of same. A letter of interpretation (L.O.I.) should be obtained from NJDEP for the wetlands delineation. NJDEP approval is required for any clearing and demolition within the wetlands buffer. All wetland buffers should be indicated on the plan. The Flood Hazard Area Control Act restricts activities within floodplains and within riparian areas. The applicant should obtain an Applicability Determination from NJDEP for the proposed demolition and clearing. A conservation easement should be provided for all wetlands and wetlands buffers. The remaining comments are technical in nature.

Mr. Alfieri Esq. appeared on behalf of the applicant with Paul C. from French & Parillo. Mr. Alfieri said they would address all the comments in the engineer's report with 2 exceptions, one is the lot configuration. The reason for the lot configuration is that the DOT requires a certain amount of frontage in order to allow an access point and as a result they had to jimmy the lines to get adequate frontage on both lots to have 2 access points. They said 2 access points allow them to have trucks come in to unload cars and they would still have an access drive. Mr. Alfieri said to the outside world no one would see that imaginary lot line, there will be cross access easements etc. so this will operate as a unified project even if it is owned by separate parties some day in the future but presently it is owned and operated by the same person. Mr. Truscott said his question was why do they need a subdivision at all, why not keep it as one and Mr. Alfieri said they were told that the DOT said if it is one ownership there would only be one access point. They discussed with the applicant and said if the DOT gives them 2 access points without the subdivision they have no problem with not subdividing that. Mr. Alfieri said the second issue is the shade tree dedication and he said whatever the state wanted they would do and Mr. Banas said it is a question of what the board wants and they said whatever the board wants they will do. Mr. Peters said he did not recall if they proposed landscaping on the plans and if there are none, they may not need it but it would be up to the board. Mr. Banas said when they develop the site in the next plan they will be talking about it along with sidewalks. Mr. Alfieri said the only comment in the planners report is right of way width and the alignment of the road and they assume they will leave it to the DOT. They agree to the remainder of the comments.

**Motion was made by Mr. Franklin, seconded by Mr. Fink, to advance to meeting of July 15, 2008**

**ROLL CALL:** Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes

Mr. Miller left the meeting

**4. SP # 1867A (VARIANCE REQUESTED)**

**APPLICANT: LEW REALTY C/O PETER WALSH**

Location: Ocean Avenue (Route 88) – former Ray Auer Buick  
Block 189.03 Lots 75 & 193

Preliminary and Final Site Plan to modify existing auto dealership & construct a self storage facility

Mr. Peters stated the applicant is seeking Preliminary and Final Site Plan Approval for Block 189.03, Lots 75 & 193. The site currently contains an automobile dealership which will be removed. The applicant proposes constructing two buildings and associated parking areas. One building will contain an automobile showroom and service bay facility, and the other building will be a self storage facility. The site is located on Ocean Avenue just west of the Township line, in the B-4 Zoning District. No variances are requested by the applicant. In accordance with section 18-903 D.3. of the Lakewood UDO, any proposed buildings shall have a minimum lot area of 20,000 SF, a minimum front yard setback of 25 FT, and a minimum rear yard setback of 30 Ft. Although no variances are required in accordance with the current requirements, the applicant shall revise the zoning schedule and setback lines shown on the plan to reflect the current design requirements. In accordance with section 18-807 C. 6. of the Lakewood UDO, parking facilities are not permitted within 20 FT of property lines. The applicant shall comply with this requirement or request a design waiver for the non conformity. Outside agencies approvals from Ocean County Soil Conservation District, Ocean County Planning Board, NJDOT, and wetlands permits and letter of interpretation (L.O.I.) from NJDEP are required. Evidence of the approvals shall be made a condition of the Site Plan Approval. The applicant has proposed parking spaces within the JCP&L right of way. The applicant will be required to provide proof of approval from JCP&L for construction within their R.O.W. If the JCP&L property is an easement and not a R.O.W. The applicant shall provide a copy of the easement agreement for review of any restrictions placed on the land. The applicant has not shown any easements on the plans. A six (6') foot shade tree and utility easement along the property frontage is usually required to be dedicated to the township. The board should determine if such easement will be required along State Highway Route 88. In addition, sight triangle easements at the property entrance may be required to be dedicated to the NJDOT. We will defer this issue to the New Jersey Department of Transportation. The lot lines proposed under the minor subdivision for the site will yield 30 parking spaces on the auto dealer lot and 19 on the self storage lot. The applicant shall provide testimony on the need for this layout. Based on the design of site access and parking layout, cross access and shared parking easements will be required between the two new lots. The easement documents shall be submitted to the Township Engineer and Solicitor for review. Curbs are shown on the plans along State Highway Route 88 at the property frontage. The board should determine if sidewalk will be required along the property frontage. In accordance with section 18-807 of the Lakewood UDO, one (1) off-street parking space per two hundred (200) SF of gross floor area is required for retail and trade establishments. The applicant has based their parking calculations on the requirements for wholesale establishments, not retail; the parking calculation shall be revised. Based on the floor area of the show room of 5,967 SF and the service center of

3,650 SF, 48 parking spaces are required for the auto sale and service use. There is no ordinance requirement for a self storage area; the minimum requirement of 18-807 B of 3 spaces should apply, for a total of 51 spaces required for the site. The applicant has provided 49 parking spaces, and therefore a variance will be required. The 26 vehicle storage parking spaces may not be counted towards the parking requirements as they are for the storage of merchandise not off-street parking. The applicant shows on the plans that the site will be serviced by a septic field. The applicant shall provide testimony on location of the nearest sanitary sewer line and how the existing building is serviced. In addition, no water lines or wells were evident on the plans. The applicant shall provide testimony on how water will be provided. The applicant shows on the plan an 8'x10' dumpster pad on Lot 75.01. A trash receptacle area shall be provided for Lot 193.01 as well. The applicant shall provide testimony on anticipated volume of solid waste generated by the proposed buildings. In addition, accessibility of the proposed receptacle areas for trash collection vehicle shall be provided during the testimony. The applicant shall provide testimony on the operation of the storage facility. The applicant shows on the plan what appears to be a loading area entrance north of the facility. The applicant shall call out on the plan usage of the entrance. In accordance with N.J.A.C. 13:40-7.2 (a) 1 a signed and sealed copy of the survey upon which the site design is based shall be submitted. An environmental Impact Statement shall be submitted to the Board Engineer for review. The statement shall address the terms listed in section 18-820. B of the Lakewood UDO. The applicant shall provide testimony on anticipated vehicle size to access site. We anticipate semi-trailers for automobile delivery. The applicant shall provide turning vehicle outlines on the Site Plan to confirm accessibility. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated April 30, 2008. The applicant is seeking preliminary and final major site plan approval to construct an auto dealership with a service center on Block 189.03 Lot 75.01, and a self-storage facility on Block 189.03 Lot 193.01. On the auto dealership lot, the applicant proposes a structure with 5,967-square foot showroom and a 3,650-square foot service center with eight bays, display area and visitor/employee parking, two-way access on Ocean Avenue (NJSH Route 88), and a shared access with the storage facility. On the storage facility lot, the applicant proposes a 71,300-square foot, four-story structure, parking, a two-way access drive on Ocean Avenue (NJSH Route 88), and a shared access drive with the auto dealership. The existing site contains a one-story commercial building, vacant land, two branches of the Metedeconk River, and a JCP&L right-of-way. The commercial structure on the lot is proposed to be removed under the subdivision application, SD-1617, which is pending before the Board. The subject parcel has several building constraints. The parcel contains a 240 foot wide JCP&L right-of-way that transverses the site and abuts the easterly property line. The Schoolhouse Branch and the Cabinfield Branch, which are northern branches of the Metedeconk River, intersect and run through the site. Additionally, there are wetlands covering the majority of the site, which encompass almost the entire vacant portion of the lot. The site fronts on the north side of Ocean Avenue (NJSH Route 88) and the parcel is split zoned with the Wholesale Service Zone District (B-4) located to the south and the Single-Family Residential Zone (R-20) to the north. The site is bordered by an industrial use, Bedrock Holdings, to the west, Horizons at Woodlake Greens owns the property to the north which is vacant along the border of the subject parcel, and a golf course and a commercial property to the east. The applicant has a Minor Subdivision application pending for the subject tract. Zoning. The subject parcel is split zoned with the Wholesale Service Zone

District (B-4) located to the south and the Single-Family Residential Zone (R-20) to the north. New or used car lots and storage facilities are listed as permitted uses in the B-4 Zone; however, they are not permitted uses in the R-20 Zone. The R-20 Zone boundary should be indicated on the site plan. It appears that all site improvements are proposed within the B-4 Zone where the uses are approved. Section 18-901B(3) of the Ordinance states “where a district boundary line divides a lot existing at the time of adoption of this chapter, the regulations applicable to the least restrictive district shall extend over the portion of the lot in the more restrictive district for a distance of not more than twenty feet.” The bulk requirements are listed below, and the least restrictive district appears to be the B-4 Zone District:

<b>Bulk Zoning Requirements</b>	<b>B-4 Zone</b>	<b>R-20 Zone</b>
Minimum Lot Area	20,000 square feet	20,000 square feet
Minimum Lot Width	100 feet	100 feet
Front Yard Setback	25 feet	30 feet
Rear Yard Setback	30 feet	20 feet
Side Yard Setback/Combined	10 feet/ 20 feet	10 feet/ 25 feet
Max. Building Lot Coverage	No Requirement	25 %
Max Building Height	45 feet	35 feet

The zoning table on the plans reviews that site as one lot which is incorrect. The applicant proposes two separate lots; therefore, the zoning table should list the requirements for each lot separately. Additionally, several of the bulk requirements for the B-4 Zone listed in the table are incorrect. Please address. It appears that no bulk “c” variances are required for Block 189.03 Lots 75.01 and 193.01, however, the following design waivers are required: Section 18-803E(2)a requires that non-residential development shall provide a 25-foot buffer area, where none is provided. Section 18-807C(4) limits driveway width to 30 feet where widths of 45 feet and 50 feet are proposed. Section 18-807C(6) permits parking in the front yard in the B-4 Zone provided that it is setback 20 feet from any street line where it does not conflict with Section 18-803. The applicant proposes 5 to 8 feet. Section 18-807 provides off-street parking requirements, and retail trade establishments require 1 space for each 200 square feet of gross floor area. The storage facility does not appear to have a specific Ordinance requirement. The applicant should present testimony addressing the sufficiency of parking based on ITE and industry standards. The 71,300-square foot storage facility provides 4 spaces. The applicant proposes an auto dealership with a 5,967-square foot showroom and 3,650-square foot service center. The auto dealership, therefore, has a requirement of 48 spaces ( $9617 \text{ SF}/200 = 48$ ), whereas 32 spaces are provided on the subject lot. Additionally, 26 display spaces are provided and 13 spaces are proposed on the storage facility lot. Section 18-807 permits parking on another parcel within 1,000 feet from where the principal use is located, therefore, the spaces on the storage lot may be used to offset the deficiency. The applicant should testify regarding the adequacy of parking. A variance may be required. A letter of interpretation (L.O.I.) should be obtained from NJDEP for the wetlands delineation. The LOI case number should be identified on the site plan. A CAFRA permit may be required for the proposed improvements. NJDEP should review the plans relative to same, and the applicant should either obtain a permit or a Letter of No Interest from NJDEP. The plans reference Note 7 for the Wetlands line; however, Note 7 relates to utilities. Please address. The applicant proposes vehicle storage, access drives, parking, a portion of a building, an outfall, landscaping and grading within a wetlands buffer. NJDEP approval is required for

all work within the wetlands buffer. The Flood Hazard Area Control Act restricts activities within floodplains and within riparian areas. The applicant should obtain an Applicability Determination from NJDEP for the proposed site plan. The site contains Category 1 waterways; therefore, it appears that a minimum of 300-foot buffer from the waterways will apply. The applicant should testify regarding the JCP&L right-of-way that traverses the property. The applicant proposes a vehicle display area and a septic field within the JCP&L right-of-way. The applicant should provide evidence that these items are approved by JCP&L within the right-of-way. We defer to the Board Attorney for review of any legal documentation regarding the right-of-way/easement. We recommend that JCP&L review the site plan for comment. An NJDOT access permit is required. NJDOT approval is required for all work within the NJDOT right-of-way. Additionally, the abutting right-of-way does not appear to align with the property. Any required NJDOT right-of-way dedications should be indicated on the plan as this will affect setbacks. Low-level landscaping should be provided along the site frontage. Cross access, parking, and utility easements are required. The appropriate documents and property descriptions should be submitted to the Board professionals for review. The Tax Map and Zoning Map on Sheet One incorrectly shows the tract as wholly within the B-4 Zone. Please revise. The plan does not indicate refuse areas. The plan should be revised to provide same, and the applicant should clarify how refuse is handled. Additionally, the applicant should indicate where refuse and materials for the service center will be stored. The plan does not specify loading areas. The applicant should clarify where car deliveries will occur. The plan indicates 8 bays for the service center. The applicant should testify regarding where cars for repair will be stored on the site. The site plan should also clearly identify parking areas for inventory, customers, and employees. The plans indicate drives leading to the rear and front of the storage facility. The applicant should indicate the purpose of same. ADA parking for the storage facility should be addressed. Sidewalk should be provided along the property frontage. Architectural drawings for both buildings should be provided. The applicant should clarify how the two uses are related, and clarify why the proposed shared configuration is proposed. The applicant proposes a septic field west of the vehicle display area. The lot does not appear to have curb in this area. The plan should be revised to provide a means of preventing display vehicles from being parked on the septic field. We defer to the Board Engineer for further comment. The plans indicate over an acre of disturbance. The site is subject to the NJDEP Phase II Stormwater regulations. The plan should be revised to comply. We defer to the Board Engineer for review of same. The balance of the comments are technical in nature.

Mr. Alfieri Esq. appeared on behalf of the applicant with French & Parillo as the engineer. Mr. Alfieri said they have received an LOI and it has been determined that it is an intermediate resource, 50 ft. buffer and they will supply all the outside agency approvals. The issues they need to discuss from the engineers report is shade tree and sidewalk. Mr. Alfieri said there is not sidewalks there now and Mr. Banas said it is true but sidewalks will be constructed. He also said they do not have enough curb, it just ends on that strip of land, at the septic field and it does not go to the end of the property and Mr. Alfieri said that is because that is the JCP&L easement and they do not know what their wishes are. Mr. Banas said both of the professionals said something needed to be done about that easement and they have to determine what rights JCP&L will be requiring of the applicant. Mr. Jackson asked to be shown on the map where the JCP&L right of way is and the applicant said they have title to that property and Mr. Alfieri said they would provide the documents but they own the land and there is an easement within the easement (an

easement with JCP&L and a driveway easement that provides access to Woodlake). Mr. Alfieri said the only issues they have with JCP&L is do they have the right to put in what they want to put in and if they don't they will move it out, and they can't curb it because it said they can't put anything that is going to interfere with their access because they want unobstructed access throughout the entire easement area. Mr. Jackson said they have to see what the easement documents say but said at the minimum they would need some sort of acknowledgement from JCP&L that they have signed off on this. Mr. Alfieri said he would provide Mr. Jackson with the documents. Mr. Schmuckler said even if the easement says not to put in curb and sidewalk can they request JCP&L permission to put the curb and sidewalk there and they have granted it in the past, as long as you leave an driveway access for them to drive their trucks in if they need to repair the wire. Mr. Alfieri said they can do that verbally before the next meeting but probably not get anything in writing by then. Mr. Banas said the parking lot is clearly in the easement, the septic field is in the easement, so there should be curbing. Mr. Alfieri said the other issue is shade tree and Mr. Banas said yes, you put it in.

Mr. Banas asked the board professionals how many parking spaces they needed and Mr. Alfieri said they will be providing 51. Mr. Peters said unfortunately, with the self storage building, there is no defined requirement in the ordinance and he recommended 3, and 48 for the showroom for a total of 51. Mr. Banas also asked them to put the limits of the LOI on the plans and they agreed. Mr. Alfieri said they agree to the remaining comments in the engineer's report. With regard to the planners report, the only problem they have is they do not have final architectural drawings but can provide front elevations and Mr. Truscott said the front elevations and the conceptual floor plans would be sufficient. Mr. Alfieri agreed and said they can comply with the remaining comments in the planners report.

Mr. Akerman asked why these 2 buildings are one application and was told they are derived from one lot and there will be cross access easements so they will operate as a unified use.

Mr. Schmuckler asked about the garbage areas and was told they would provide them and Mr. Banas also said they needed to describe how they would be loading and unloading cars and Mr. Alfieri said they would.

**Motion was made by Mr. Franklin, seconded by Mrs. Koutsouris, to advance to meeting of July 15, 2008**

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

- 5. SP # 1885 (VARIANCE REQUESTED)**  
**APPLICANT: OMNIPOINT COMMUNICATIONS INC.**  
Location: New Hampshire Avenue & Cedar Bridge Avenue  
Block 563 Lot 1 Block 564 Lot 1  
Preliminary & Final Site Plan to construct cell tower on MUA water tank

Tabled to July 1, 2008

**6. SD# 1628 (VARIANCE REQUESTED)**

**APPLICANT: PARK AVENUE DEVELOPMENT LLC**

Location: corner of East Harvard Street and Park Avenue  
Block 232 Lot 10

Preliminary & Final Major Subdivision for six-2 family townhouses and one single family town home

Mr. Peters stated the Applicant is seeking Preliminary and Final Major Subdivision Approval to subdivide existing Lot 10 of Block 232 into seven (7) new lots. A one (1) story masonry dwelling is presently located on the existing lot, and will be removed. Seven (7) townhouses have been proposed on the new lots. Six (6) of the seven (7) townhouses will be two family units. The townhouse that is proposed on the lot which is to be known as Lot 10.07 will be one family unit. Driveways, stormwater management system, and other residential development associated constructions are proposed on site. The property has frontages along Harvard Street and Park Avenue. The site is situated within the B-4 zoning district. The applicant is requesting variances for allowable lot coverage and maximum building coverage; however, these variances are not required in accordance with sections 18-903 D and 18-1010 A.6. of the Lakewood UDO. The applicant is requesting a variance for minimum distance between buildings; 13.11 FT are proposed, where 25 FT is required. An additional variance is required for side yard setback for an end unit. Units 3 and four provide less than the required setback to the property line. The setback dimension shall be shown on the plans and the variance requested. The applicant shall revise the zoning schedule to show the required and proposed criteria for each proposed lot. In addition, the applicant shall show new Lot 10.07 will have frontages along both Harvard Street and Park Avenue. The applicant shall revise the architectural plans to clearly call out proposed bedrooms for each townhouse unit, so the required parking spaces can be accurately determined. The applicant shows in the zoning schedule thirty three (33) spaces are provided and thirty one (31) spaces are required. The applicant had provided three (3) parking spaces for the single town home on Lot 10.07. Five (5) parking spaces are proposed for two-family town home unit. In accordance with the NJ RSIS, 2.3 parking spaces are required for townhouse with two (2) bedrooms and the requirement for townhouse is top out at 2.4 parking spaces for townhouse with three (3) bedrooms. With the given numbers of bedrooms in each unit, a total of thirty one (31) parking spaces are required. The Board should determine if the proposed parking spaces will be adequate. The applicant shall provide testimony on the intended use of the proposed basement for the single family townhouse on Lot 10.07. Use of the basement may affect the number of required parking spaces. In accordance with section 18-1010 B. 6. of the Lakewood UDO, each unit shall have an area designated for the storage of trash and recycling containers. The trash containers shall be screened from view. And the screening should blend with the building exterior. In addition, the size of the trash enclosure should be approved by the Department of Public Work. The applicant shall provide a detail to show the location of the proposed trash container and screening. The site will be served by public water and sewer. The applicant has proposed a 6 FT wide shade tree and utility easement along Harvard Street and Park Avenue at the property frontages to be dedicated to the Township. The applicant shows on the plans existing curbs and proposed sidewalks along the property frontages. The applicant shows on the plans a drainage easement is to be dedicated to a Homeowner Association (H.O.A.). Descriptions of the easement shall be submitted for review. Documents for the H.O.A. shall be provided to the Board Engineer,



Solicitor, and Planner for approval. The H.O.A. documents shall include the ownership and maintenance of all common areas and the proposed stormwater recharge system. The applicant shall revise the Soil Erosion & Sediment Control Plan and Grading Plan to show the tree protection fence to ensure trees will be protected during grading and clearing. The applicant shall perform soil boring tests within the footprints of the proposed townhouse units to determine elevations of the seasonal high groundwater table S.H.G.T. The elevations shall demonstrate that the proposed townhouse units are two (2) FT above the S.H.G.T. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated June 2, 2008. The applicant is seeking preliminary/final major subdivision and site plan approvals to construct seven (13) town homes and the associated site improvements. The development will consist of two (2) structures. One building will contain six (6) dwelling units, and the second building will contain thirteen (7) dwelling units. The structures will be constructed with three levels; one residential unit in the basement level, and, above, a residential unit consisting of two floors. Off-street parking is proposed in the front of each unit. The parcel is located on the west side of Park Avenue at the intersection with Harvard Avenue. The property currently contains a one-story dwelling and pavement area. All of the improvements will be removed for this project. The western boundary of the lots adjoins the New Jersey Southern Branch Main Line Stem. The surrounding land uses are generally residential.

**Zoning and Variances** The property is situated in the B-4 Zone District. Town homes are a permitted conditional use in this zone. The following variances are requested: Distance between buildings – 25 feet required, and 13.1 feet proposed (Section 18-1010.B.2). The site plan indicates a variance is required for lot and building coverage; however, the townhouse standards allow a 35% building coverage. Please note that the variance noted in B.2 above is an exception of the townhouse standard. However, this exception as noted in Section 18-1010.B is not deemed a required condition of the proposed use.

**Review Comments.** The site plan indicates that the entrance and turnaround area for the off-street parking area for the single-family unit at the north end of the site will be constructed in the right-of-way of Harvard Street/Railroad Street. The applicant must submit evidence that the Township of Lakewood is aware of the subject proposal, approves of the site plan application, and will allow the proposed construction. Any agreements with the Township should be reviewed by the Board Attorney.

**Parking.** Off-street parking is proposed in a stacked arrangement in the front of the units. The number of parking spaces complies with the NJ RSIS requirements: 33 spaces proposed, and 32 spaces are required. The site plan indicates that four units will have five bedrooms, three units will have four bedrooms, and six units will have two bedrooms. The layout of the townhouse development provides that thirty (30) spaces will need to back out onto Park Avenue for egress purposes. In addition, some spaces are in close proximity to the intersection of Park Avenue and Harvard Street. In our opinion, this is an unsafe proposal. We would recommend an off-street common parking area as an alternative layout. Removing the driveway in front of the units will also increase the aesthetics of the front yard area and streetscape. Revise the Bulk Zoning Schedule to provide the correct building coverage figure (35%). The block number listed in the title block of the Boundary and Topographic Survey is incorrect and should be revised to read "Block 232." The area for the storage of solid waste and recycling containers should be addressed. The size of the enclosure should be approved by the Lakewood Department of Public Works. The location of landscaping should be identified on the site plan. The property will be served by public water and sewer. A maintenance schedule for the stormwater management

system should be addressed. A drainage easement is identified on the plans to be dedicated to a Property Owners' Association. The Property Owners' Association should be established and all deed restrictions and covenants in place prior to the issuance of any Certificates of Occupancy. Provisions should be made for half-width paving of Park Avenue to address the pavement repair for the utility connections. We note the location of the proposed development adjacent to the rail line and the lack of buffer or screening in the rear. We are attaching a copy of Design Guidelines for Properties Along Railroad Right-of-Way prepared by the Monmouth County Planning Board as guidance for the possible type of buffer which should be considered for this tract. The attic area should be stipulated on the site plan and architectural plans as non-habitable space. The balance of the comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant with Mr. Carpenter as the engineer. Mr. Penzer said they deliberately separated the town homes to make it look nicer and could have left it whole and they would have not required any variances. They feel by separating it, it looks less clustered. Mr. Banas said he liked the idea of separation if there was 25 ft. between them. Mr. Penzer said they didn't have 25 ft. and Mr. Banas said he did not like it. Mr. Penzer said there is no outside stairway so it is not intended for the basement to be used outside. They will meet with Mr. Franklin with regard to the trash containers. They will provide the board with a copy of the underground tanks and the information requested and agree to the remainder of the engineers report.

With regard to the planners report, the issue to be debated is the cars that will need to back out onto Park Avenue and said Mr. Carpenter will give testimony on that matter. They intend the attic to be inhabitable space. Mr. Carpenter said there are numerous places throughout town where townhouses have cars backing out onto local streets. Park Avenue is another local street and Mr. Banas said they are in the stage of planning and if they can prevent any hazardous condition they should try to prevent it. Mr. Carpenter said it is his professional opinion that based on the amount of traffic and the width of the road and the nature of the development, that backing out onto Park Avenue is not unsafe. Mr. Peters asked if there would be room to have a driveway come to the back of the townhouse units so they can park there and have the units slide the units up closer to the front yard setback and Mr. Carpenter said the only way they could do that is to eliminate the 15 ft. buffer against the railroad. He said they would not need the entire 15 ft. but they would need percentage of it and still provide a landscape buffer between the parking lot and the railroad tracks. Mr. Banas said his concern is why isn't that fence located through the entire development and Mr. Carpenter said that is an existing fence. Mr. Banas asked if they would be putting in a fence and Mr. Carpenter said they would as part of a landscape buffer between the buildings and the railroad. He said they would replace the chain link fence with a more aesthetic fence like a board on board and they will add them to the plans.

Mr. Akerman commented that he liked the separation between the buildings because the middle units will have a hard time in getting something from the back of the house to the front of the house without dragging it through the house.

Mr. Penzer said there is also another advantage and that is it give more windows and light to the units. Mr. Banas asked the board what their opinion of the separation and variance is and Mr. Franklin said it is going to be common property so he would like to see the split because it would be too long without some way to get to the back. Mr. Fink said his

comment is that in between he would like to make sure there is a swale there for drainage and they agreed. Mrs. Koutsouris said 13 ft. really isn't that big but she can understand and thinks it looks better with a split, it looks more like 2 large homes. Her concern is the maintenance of the property in between the homes but with a homeowners association she thinks it is pleasing.

Mr. Truscott wanted to clarify something and said the split between the homes is not common property, it is subdivided except for some property down on the south side of the property. It is subdivided from one side to the other except for the common area along the side and the back of the property. Mr. Penzer said they would make them a common area. Mr. Truscott said the building is set back on the south side 27 ft. so there is some room there to shift it. Mr. Carpenter said that is because they need a 15 ft. buffer and then a 12 ft. side yard setback on that side, that is why it is 27 ft. Mr. Banas said what he understands is that they are going to put a 13 ft. common property in that area where the people who have those 2 homes will be getting all the noise and Mr. Penzer said they will do what the board says. Mr. Franklin said they will not be having kids playing there, they will be playing in front of that house, not in their backyards and not on their side yards, that is just the way it is. Mr. Fink said as long as they take care of the drainage issue it should be fine.

Mr. Franklin suggested they give them a 5 ft. variance, move the building 5 ft. and put the 5 ft. in between the buildings, making it just a little bit wider. Mr. Banas thought that was more palatable. Mr. Jackson asked who the adjoining neighbor is because of the notice and Mr. Peters said he did not think they needed a variance because you measure in that 12 ft. setback from the buffer line but the building setback should be measured from the property line. Mr. Carpenter said if that is the case, he can put all 12 ft. in the middle and come up with 25 ft. Mr. Franklin said they have to get the drainage out from on the side and move it. Mr. Franklin would like to retain the water back on the property because if they don't maintain these yards he will get sand in that pipes and it will plug it up. Mr. Carpenter said the applicant suggested making it 20 ft. between the buildings and 22 ft. on the south side, it will give him enough room to put in a buffer and drainage pipe in there. Mr. Banas said that is better idea and Mr. Penzer said they would also put in a swale. Mr. Schmuckler asked why they didn't just split the common area in half and was told it was a question of who would maintain it and he said the homeowners association would. They decided to split the 20 ft. in half and each maintain their half, and Mr. Franklin did not see the sense in that because there will be the drainage system they will have to maintain and both groups are going to be responsible for it, so there might be problems where one person won't want to do it and the other one may be getting flooded, etc. It would make more problems. They ultimately decided to go with the common area.

Mr. Fink asked if the finished attic was going to be a bedroom and Mr. Penzer said it could be. He then said it would be one big open play area, with no rooms, no bathrooms, no plumbing, etc., just one big play area. Mr. Penzer said they could list it as restricted. Mr. Banas asked how tall the buildings were and was told it would be under 35 ft.

**Motion was made by Mr. Franklin, seconded by Mr. Schmuckler, to advance to meeting of July 15, 2008**

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

**7. SP# 1892 (NO VARIANCE REQUESTED)**

**APPLICANT: PRINCETON ONE**

Location: corner of Princeton Avenue & Fourth Street  
Block 159 Lots 9 & 24

Preliminary & Final Major Site Plan for proposed 5 story office building

Mr. Peters stated the Applicant is seeking Preliminary and Final Site Plan Approval for Block 159, Lots 9 & 24. The applicant has proposed to construct a five (5) story commercial building. The first floor will be occupied by retail stores and the rest of floors will contain professional offices. The lots are currently vacant. The property has frontages along Fourth Street and Princeton Avenue, and is located within the B-2 zoning district. No variances are requested by the applicant. Outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District are required. Evidence of the approvals should be made a condition of Final Planning Board approval. The applicant shall revise the zoning schedule to show seven (7) FT single side yard setback and fifteen (15) FT combined side yard setback are required. A zero foot side yard setback is only applicable adjacent to another commercial use. Although on-site parking requirements are exempted from the B-2 zoning district, the applicant shall provide testimony on locations of any nearby parking lots which can be used for employee and customer parking. Curbs and sidewalks exist along Fourth Street and Princeton Avenue at the property frontages. The applicant has proposed to replace the existing sidewalks along the property frontages. In addition, a note shall be added to the plan stating any damaged or deteriorated curb will be replaced as directed by the Township engineer. The applicant shall provide testimony on how solid waste will be handled for the proposed building. The applicant does not show on the plans any proposed trash storage areas. In accordance with section 18-803. E. of the Lakewood UDO, a minimum of 25 ft buffer area is required along the northern and western property lines. If the non residential development is adjacent to single family residential development, 50 FT buffers will be required. The applicant shall provide testimony on use of the adjacent lots. The applicant has proposed landscaping along the property lines. The Board should determine if the proposed landscaping will be sufficient. The applicant shall provide testimony on any proposed signage. The applicant has proposed a commercial building with 15,000 SF footprint and shows on the plan the proposed roof drains are to be connected to an exiting inlet along the Fourth Street. The applicant shall perform a drainage study to show the existing stormwater sewer system will be able to handle the additional runoff caused by construction of the building and other proposed impervious areas. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated June 2, 2008. The applicant proposes to construct a 65,100-square foot retail and office building at the above-referenced location. The first level will be retail use and the balance of the building will contain offices. Entrances to the structure will be provided on both Princeton Avenue and Fourth Street. The project site is 15,000 square feet in area and currently vacant. The tract is located at the intersection of Fourth Street and Princeton Avenue. The subject parcel is located in the B-2 Central Business Zone District. Retail and office uses are permitted principal uses in this zone. Review Comments. We recommend that the lots be consolidated by deed. The architectural plans indicate that the first floor will consist of seven (7) retail establishments, each one with a separate entrance on Princeton Avenue. Two (2) of the stores will be

1,256 square feet in area, and five (5) stores will be 1,775 square feet in area. Entry to Floors 2 through 5 will be via side entrances. The applicant has not proposed off-street parking spaces as part of this application. Off-street parking is not required for non-residential uses in the B-2 Zone in accordance with Section 870.B9 of the Lakewood Unified Development Ordinance. However, the applicant should be prepared to discuss the number of parking spaces and specific availability of parking for the anticipated offices and businesses, on-street and off-premises. We recommend submission of a Traffic Impact Study. The Planning Board should consider improvements to the streetscape, such as street trees, surface treatment, and decorative lighting. The Lakewood UDO (Section 802) provides that site plans propose screening, landscaping, and other site improvements to minimize adverse effect on surrounding property. The applicant must address how these items are satisfied by its proposal, as a landscaping and/or screening plan and street trees have not been provided. We recommend that screening and/or buffering be provided to shield adjacent properties. A minimum buffer of twenty-five (25) feet is required. A waiver is required if buffering is not proposed on the site. The applicant has not addressed how solid waste will be removed from the site. The applicant should indicate on the site plan the proposed location of the solid waste collection area and access to same. The Environmental Impact Statement (EIS) submitted for Planning Board review notes that there are no significant environmental issues addressed on the site. The applicant should discuss construction management issues with the Planning Board, such as maintaining street circulation and the location of the construction staging area. The balance of the comments are technical in nature.

Mr. Doyle Esq. appeared on behalf of the applicant with Mr. Carpenter as the engineer. Mr. Doyle said this is a permitted use and no variances are sought. The elevation of the building is consistent with the zoning ordinance as well as other buildings approved recently. They will make the changes where there are discrepancies in the zoning schedules and in the grading elevation and they agree that any sidewalk and curbing damaged will be replaced. There is no intent of free standing signage they will be façade. They acknowledge and comply with the items in the engineers report that deal with plan review items; the stormwater comments; and the construction details. The aesthetics are more subjective and they will work with the planner with regard to the shade tree, building lighting, differential sidewalks such as brick and any specific suggestions not required but which they can do to beautify the site. With respect to the environmental impact statement and the hours of operation Mr. Doyle stated they would be typical business hours meaning about 8am to 6pm. They do not expect to import any soil. As far as the solid waste, they would contain it inside and they would provide for appropriate removal and compaction and moved from the interior. There will not be any exterior garbage refuge or storage and Mr. Franklin asked if they will have garbage chutes from floor to floor and Mr. Doyle said they might be a possibility. Mr. Doyle said with respect to traffic, there are no parking requirements in this zone so to mandate this applicant to provide a traffic impact statement and parking study is beyond the scope of the ordinance and its requirements. They have no problem identifying the facts for the board at the public hearing where the municipal lots are as well as other public land but feel the zone was made with the intent of having people walk in the downtown and that is why the parking requirement was nonexistent. They respectfully suggest that the call for this applicant to provide for a traffic impact statement is inconsistent with the recently adopted UDO but they will work with the board in terms of locating where public parking is and if to degree there is some publicly owned property they can identify and assist in they will certainly

listen to those comments at the public hearing. As far as landscaping and buffering and the 25 ft. buffering requirement to the adjacent residential uses, both of the adjacent uses on Princeton and on 4th are residential possibly multi family. If you were to adopt the 25 ft. or even the 50 ft. standard in the B2 zone you would end up with lots that were undevelopable. This zone has no maximum coverage requirement and limited setback requirements so the intent of the ordinance was to provide for the kind of utilization that this proposal does and the buffer requirement is a waiver requirement. They would work with the board's professionals to provide such trees, shading, aesthetics, etc. as would be appropriate for this area.

Mr. Banas asked where they were going to stage the project and Mr. Doyle said recited wording from the plans that were consistent with the Uniform Construction Code Standards, Building Ordinances within this town. Mr. Banas said you are going from border to border, wall to wall and asked how he was going to do it and Mr. Jackson said the concern is that when you fill up the entire building envelope with volume and you don't have the required buffers, the buffers are there to protect the neighbors and the neighborhood and there has to be some kind of a balance that has to be struck to protect the neighbors from having a hulking volume of building right there. Mr. Banas asked where are they going to have their staging area for their materials? Mr. Doyle said that would have to be off site and Mr. Franklin said it would have to be adjacent to it.

Mr. Schmuckler asked if the applicant was aware there is an ordinance change going through with the B2 zone with parking subsidizing and Mr. Doyle said they are aware that an ordinance has been introduced but not yet adopted and this application is submitted in conformance with the ordinance as it exists now.

Mr. Banas said he is still concerned with what Mr. Jackson and what Mr. Franklin have said about buffering and staging and suggests when this application comes back before the board, he would like to see a drawing of the staging area. Mr. Franklin would like to see where the trailers and where they are going to shake the steel out and where the building materials will be stored.

Mr. Banas asked them to define the type of office space they would be renting and Mr. Doyle said the first floor would be retail and the above floors will be office, none medical. Mr. Franklin also said the architect would have to design the plans to show a garbage system and how it will work because room will have to be put on the plans how the chutes will drop the garbage down and into what types of containers. They are in an area where by ordinance they have to pick up the garbage and he needs to see how that will work, and this will take away from any floor plan. Mr. Carpenter said they did that on 2nd Street and they can do that here, it is the same architect.

Mr. Banas said he is upset about the buffer and said they are not providing any kind of a buffer whatsoever and Mr. Carpenter said they are providing landscaping around the perimeter (7 ft. on the western side and 10 ft. on the northern side). Mr. Banas asked what is required and Mr. Doyle said 7ft. on the side and 10 ft. on the rear is the required setback but that goes back to the dialogue between himself and Mr. Jackson about the zoning ordinance and the lesser dimension required between lot line and building than does the buffer requirement.

Mr. Schmuckler asked Mr. Jackson when they grant a waiver, are they required to tell the board the legal standard that will be fulfilled and he said he does not have the chapter and verse handy but it is less than a variance and he will get that. Mr. Doyle said it is Section 51 of 40-55D51 provides for exceptions.

Mr. Franklin also mentioned when they get a building like this, they like to take the sidewalks all the way from the building tight to the curb with no separation.

Mr. Banas said he has some real problems with this.

**Motion was made by Mr. Franklin, seconded by Mr. Fink, to advance to meeting of July 15, 2008.**

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

**8. SD# 1631 (VARIANCE REQUESTED)**  
**APPLICANT: BARBARA FLANNERY/RIDGEWAY ACRES**  
Location: James Street, Atlantic Avenue & Drake Road  
Block 375 Lot 1  
20 single family lots and 1 open space lot

Mr. Peters stated the Applicant is seeking Preliminary and Final Major Subdivision Approval to subdivide four (4) existing lots into twenty one (21) new lots. Two existing dwellings are located on the lots, the existing dwellings will remain. Eighteen (18) new single family dwellings are proposed. New Lots 26.07 and 26.03 of Block 377 are configured as flag lots. New Lot 26.02 of Block 377 is encumbered by wetlands and will be an open space lot proposed to be dedicated to a Homeowners Association. The property has frontages along Drake Road, Clarkson Avenue, Atlantic Avenue, Kaeflan Court, Belmont Avenue, and James Street, of these streets only James and Drake are improved. The project is situated within the R-12 zoning district. The required minimum lot area and width shown in the zoning schedule are based on the reduction of residential lot requirements for recreational purposes described in section 18-908 of the Lakewood UDO. The proposed recreational area is 0.54 acres which is less than the one (1) acre minimum area as required by section 18-908 B.7. In addition, most of the open area which is proposed to be used for recreational purpose is wetlands and wetland buffers. The Planning Board should determine if the recreation area is suitable and the reductions to lot area and width will be appropriate. The applicant is requesting a lot width variance: 70 sf are provided for Block 377, Lots 26.04 & 26.08 and Block 378, Lots 1.07 & 1.08. 70.97 ft are provided for Block 377, Lot 26.06. 80 ft are provided for Block 375, Lots 1.01 thru 1.05 and Block 378, Lots 1.01 thru 1.06. The minimum lot width of 81 ft is required. The applicant will require a combined side yard setback variance Lot 26.04 of Block 377 and Lots 1.02, 1.03, and 1.04 of Block 378; 20 FT combine side yard setbacks are proposed, where 25 FT is required. The applicant shall revise the zoning schedule to show the required combined side yard setback of 25 FT. In addition, the applicant shall show in the zoning schedule proposed and required criteria for each proposed lot. Any lots with two frontages shall be shown in the zoning schedule with two front yard setbacks. The project requires approvals from Ocean County Planning Board and Ocean County Soil

Conservation District. A wetlands letter of interpolation (L.O.I) from the NJDEP and NJDEP permits for Treatment Works Approval and Water Main Extension are also required. Evidence of approvals shall be made a condition of final subdivision approval. In accordance with the NJ RSIS, three (3) off street parking spaces are required for single family dwellings with five bedrooms. The applicant shall revise the zoning schedule to show three (3) off street parking spaces are required instead of the two and an half (2.5) parking spaces shown on the plan. The applicant shows on the plans four (4) parking spaces are provided for each lot. The Board shall determine if the proposed park spaces will be adequate. The applicant shows on the plans new dwellings are to be served by public water and sewer. The applicant shall provide testimony on how the existing dwelling and the dwelling that is under construction receive utility service. The applicant shows on the plan a 400 LF sanitary sewer pipe along Drake Road will be constructed by others. The applicant shall provide testimony on who will construct the sanitary sewer pipe and when the construction will be completed. The applicant shows on the Final Plat, six foot shade tree and utility easements along all property frontages are proposed to be dedicated to the Township. In addition, sight triangle easements at the corners of each intersection within the track limit are proposed to be dedicated to the Township. Drainage easements, recreational easement, and an open space lot are proposed to be dedicated to a Homeowner Association (H.O.A). H.O.A. documents shall be submitted for review. The documents shall address the ownership, operation, and maintenance of the stormwater drainage system, recreational area, and all other public portions of the development. In accordance with section 18-805 G. 7. of the Lakewood UDO, buffering shall be provided between the flag lot access strip and the property lines along the pole of the flag lots, Lots 26.03 and 26.07. Ten (10) FT buffer lines shall be shown on the plans along the property lines adjoining the lots immediately to the front of the flag portion of the flag lots. The applicant shows on the plans existing trees within the buffer areas. The Board should determine if landscaping will be required within these areas. The applicant has proposed curbs and sidewalks along most of the property frontages. Curb is proposed along Drake Road at the property frontage, but no sidewalk is proposed or existing. No curb or sidewalk is proposed along Atlantic Avenue at a frontage of Block 375, Lot 1.01. The applicant shall provide testimony on if any equipment is to be provided within the proposed recreational easement located on Block 378, Lot 1. If the equipment is to be provided, detail of the equipment shall be added to the plans. In accordance with section 18-805 G 3. c. of the UDO, the applicant shall revise the Site Development Plan to show designated solid waste and recyclable pick up areas for the two proposed flag lots, Lots 26.03 and 26.07. A Letter of Interpretation (LOI) exists for Block 377, Lot 26. A copy of the LOI and approved plan should be provided to the Township and T&M for review. The width of the transition are should be shown on the development plans. A LOI absence should be provided for Block 377, Lot 26.01, Block 375, Lot 1, and Block 378, Lot 1. A copy of the LOI should be provided to the Township and T&M for review. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated June 2, 2008. The applicant is seeking preliminary/final major subdivision and variance approvals to create twenty (20) residential lots for single-family development and one open space lot. The tract contains one single-family residential dwelling which will remain. In addition, a dwelling is under construction on Lot 26.03, Block 377. The balance of the tract is wooded. Development of the tract is proposed under the reduction of lot width requirements provisions of the Unified Development Ordinance. In addition, two of the proposed lots are flag lots. The applicant



proposes the construction of all necessary roads for access to the subject lots and installation of the necessary utilities. Lot 26.02 of Block 377, located at the corner of Clarkson Avenue and Drake Road, which is 0.5 acres in area, is proposed to be dedicated to a Homeowners Association. Also, a portion of Lot 1.09, Block 378 is proposed for a recreation easement to the Homeowners Association. The tract is located in the west central portion of the Township. The surrounding lands are the Lakewood Industrial Park (James Street) to the south and low density single-family residences. The property is located in the R-12 Zone District and single-family detached residences are a permitted use. The following variances are requested: Lot width. A reduced minimum lot width per Section 18-908B of 81 feet is required, and the following proposed:

Block	Lot	Proposed Lot Width (Feet)
375	1.01	80
	1.02	78.33
	1.03	78.33
	1.04	78.33
	1.05	80
377	26.04	71
	26.06	71
	26.08	70
378	1.01	80
	1.02	78.3
	1.03	78.3
	1.04	78.3
	1.05	80
	1.06	80
	1.07	70
	1.08	70

The positive and negative criteria for the requested variances must be addressed. A design waiver is requested for providing lot lines not perpendicular to cart ways (18-805.c). Review Comments. The plan should be revised to correct the list of lot width variances on the subdivision plat. Sidewalk is proposed along the site's frontage on Drake Road, Clarkson Avenue, Atlantic Avenue, Kaeflan Court (both sides), Belmont Avenue, and James Street. Compliance with Section 18-908 Reduced Lot Area: The proposed residential density is 2.8 units per acre, which is less than the maximum allowed density of 3.1 units per acre. The density complies with the requirement. The land resulting from the reduced lot area is 19,788 square feet and exceeds the land to be dedicated to the Homeowners' Association, 23,759 square feet. Therefore, the plan complies with this requirement. The flag lots should comply with all of the requirements (buffers, setbacks, etc.) of Section 18-805G (Flag Lots) and address the criteria for creating a flag lot in Section 805.G.5. A recreation easement is proposed on Lot 1.09, Block 378. The provisions of the easement must be reviewed by the Board Attorney and the metes and bounds description of the easement must be reviewed by the Board Engineer. An architectural drawing has been submitted for Board review. The plan depicts a single-family residence with five (5) bedrooms. Handicap ramps should be provided at all block corners. The Tree Protection Management Plan should be reviewed by the Shade Tree and

Environmental Commissions. Recreational Area. The applicant proposes to dedicate the recreational land to Homeowners Association (HOA). The ordinance provides that the land be dedicated to the Township. The proposed conveyance to an HOA will require a variance. The proposed recreational area should be reviewed by the Planning Board and deemed suitable from the viewpoint of soils, drainage, slope, and location. The applicant should address this requirement in testimony. The land has direct access to a public right-of-way, as required by the ordinance. A minimum of one (1) acre must be set aside for recreational purpose; the applicant proposes 0.5 acres. A variance is required from Section 18-908.B.7. Public water and sewer will be provided by the New Jersey American Water Company. All site improvements shall be constructed in accordance with the NJ RSIS. Off-street parking for each of the dwellings should comply with the NJ RSIS parking requirements. The requirements of Section 18-821 (Building Uniformity in Residential Developments) must be addressed. A minimum of five (5) basic house designs are required for this application. The balance of the comments are technical in nature.

Mr. Flannery appeared on behalf of the applicant. He stated this subdivision is submitted under the reduced lot size for recreational purposes. He will address the comments from the professionals in regards to the conditions of that at the public hearing with testimony, and he will supply proof of the variances requested. One is that the open space be dedicated to the Township and they propose to have a homeowners association maintain the open space instead of the Township and Mr. Franklin thought it was an excellent idea. The other variances required are for lot widths and he will present proof at the public hearing. The existing home is on a septic that will be abandoned. The sewer that is designated to be constructed "by others", they will note that if other don't do it, this applicant would be required to construct that. The Shade Tree Commission contacted him and they asked for a few things in excess of what the ordinance asked for and they are adding foundation planting details and 3" caliper street trees to the plans. They will fence the clearing limits so that the clearer doesn't get carried away. One of the comments from the professionals was with respect to the flag lots and the ordinance proposed for a wider stem and the additional landscaping and these flag lots do have the wider stems and the additional landscaping will be provided so it will be consistent with that ordinance even though it has not yet been adopted. Mr. Banas asked him to show the location of the existing residences surrounding the flag lots and Mr. Flannery agreed. Mr. Flannery also agreed to curb and sidewalk around all of the frontage and all the interior streets. He agreed to satisfy the remaining comments in the professionals' reports.

Mr. Banas said he had a problem and said Mr. Flannery is applying for this development on the basis of reduced sized lots so that you can have an area equal to one acre for recreational purposes and Mr. Flannery said he will provide proof at the public hearing but said the ordinance says you can reduce the lot size by up to 15% and any area that you don't put in the lots you must put into an open space lot; it further says that that open space lot..... Mr. Banas interrupted him and said he is just alerting him to the fact that in his estimation the reason he is able to put so many homes here is to provide 1 acre of recreational purposes and at the same time you are asking for a variance from 1 acre to 1/2 acre and asked if he got it straight and Mr. Flannery said he did not get it straight because the entire application hasn't been presented yet but he did address that the ordinance has provisions which he will go over at the public hearing.

Mr. Schmuckler asked if there was going to be an active recreational area and Mr. Flannery said yes.

**Motion was made by Mr. Franklin, seconded by Mr. Schmuckler, to advance to meeting of July 15, 2008**

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

## **5. MEMORIALIZATION OF RESOLUTIONS**

- 1. SD # 1586A (VARIANCE REQUESTED)**  
**APPLICANT: THOMPSON GROVE ASSOCIATES**  
Location: Drake Road, southwest of Neiman Road  
Block 251.01 Lots 32 & 88  
Preliminary & Final Major Subdivision - 20 lots

Ms. Johnson said this resolution was originally scheduled to be memorialized at the last public hearing but there was something brought up by an objectors attorney so it was tabled until tonight and the objector's attorney is here to address the board.

Mr. Mark Steinberg said he read the resolution prepared by the board attorney and would like to add 2 more conditions to the resolution which are sort of in there but he would like them added, based on the fact that they have ascertained it may be difficult and time consuming to get DEP and County Planning Board Approval for sewers and water which was basically the basis of the benefit to the municipality for granting of the variances in this application. Mr. Jackson said he asks to clarify that the applicant cannot build or disturb the site until they get TWA approval and he also has a provision in there that says that the application and approval was premised on the reason that the applicant said they were going to bring water and sewer into the area so they want it set forth in the resolution that it was one of the "hooks that the hat was hung on". Mr. Banas did not think that was the thing that was the reason it was approved and Mr. Schmuckler agreed and said there were numerous reasons this was approved. Mr. Jackson said what he wants to do is have the resolution provide that if the sewer does not come through, that was the lynch pin of the approval and normally they have language in the resolution that lets them begin before TWA approval is obtained because they usually get it anyway but in this case the language is not in the resolution.

Mr. Schmuckler asked Mr. Peters if he thought they will get the TWA permit and Mr. Peters said from an engineering design standpoint there is no technical reasons why they wouldn't, it is just a gravity sewer; however, it is outside of the mapped designated sewer area so there are some big hurdles with the DEP that they have to get through and he could not tell them whether the DEP will approve that extension of the sewer area or not.

Mr. Pfeffer said the resolution should be adopted as Mr. Jackson prepared it. It is his understanding that sewer and water was one of the components, the objectors have noted through counsel in the proposed resolution and they are trying to add certain things to slow down the development process and the approval process and they object and would like the board to approve the resolution as prepared.

Mr. Steinberg suggested the following be added: if sewer and water cannot be brought to the site, the applicant be required to return to the board on public notice for any changes to the approval. Mr. Banas said that would be a given. The second item he would like added is that the applicant not be permitted to clear and disturb the land until they get the necessary permits from DEP and TWA. Mr. Pfeffer said he wanted to get the resolution adopted this evening and hoped it was to be adopted at the last meeting.

It was decided that the resolution be approved as written and Mr. Jackson draft a letter to Mr. Mack, the zoning officer, requesting he not allow the applicant to clear the land or disturb it until DEP or outside agency approval for sewer and water is given.

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

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

## **6. PUBLIC PORTION**

Mr. Yissochor Kaminsky, 15 5th Street addressed the board on the application that was heard earlier on 4th & Princeton and Mr. Banas said that is what they cannot talk about. He explained when he will be able to be heard on that application. The application will be heard on July 15th.

Mr. Kaminsky asked if they should hire an attorney and Mr. Banas said they did not have to.

## **7. CORRESPONDENCE**

- None at this time

## **8. APPROVAL OF MINUTES**

- Minutes from May 20, 2008

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

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

## **9. APPROVAL OF BILLS**

**Motion was made by Mr. Franklin, seconded by Mr. Schmuckler, to approve**

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

## **10. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Chris Johnson  
Planning Board Recording Secretary